YOUR PLACE
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HISTORIC ENVIRONMENT SUPPLEMENTARY PLANNING DOCUMENT (SPD) - REVIEW

Consultation Draft - March 2017
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Introduction

The UK Government’s National Planning Policy Framework (NPPF, March 2012, Annex 2 Glossary) defines the Historic Environment as:

‘All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora’.

Thus the historic environment is all around us and forms the physical backdrop to our everyday lives and quality of life. Dudley Borough, in particular, has a rich and diverse character which has been shaped by the activities of people of the area over a long period of time. As a result the individual townships and communities of the Borough have their own distinctive character which makes Dudley a very special place in which to live and work.

The planning system in England is based on the principle of sustainable development and heritage has an increasingly important role in supporting sustainable growth. It is a huge resource which can deliver economic benefits and stimulate regeneration and growth throughout the borough.

Local government bears the greatest part of the responsibility for the care and conservation of our historic environment. Local planning authorities make most of the decisions regarding change to heritage assets and as such are responsible for:-

- **Historic Environment Records** - Holding information on the historic environment through Historic Environment Records. Every local planning authority is obliged to ensure that they have evidence about the historic environment and heritage assets in their area and that this is publically documented. Each should maintain or have access to a historic environment record (HER).
- **Preparation of planning policies** on the types of development and uses considered appropriate to their areas. The Local Plan is the means of delivering the local planning authority’s strategy for the area as well as the Government’s objectives for the historic environment.
- **Decision-making** - Deciding whether to give planning permission and listed building consent and they also decide whether to designate a conservation area
- **Local designation** - They identify specific heritage assets in their area through a local list and whether something is a non-designated heritage asset.
- **Enforcement and prosecutions** - Taking enforcement steps for a breach of listed building, conservation area and planning controls
- **Heritage at Risk** - Setting out in the Local Plan a positive strategy for the conservation of heritage assets most at risk through neglect, decay or other threats. Local authorities have a number of powers to actively prevent deterioration and loss of heritage assets.
- **Regeneration initiatives and preparing bids for external grant assistance** – identifying potential projects that would be eligible for external grant assistance and working with Building Preservation Trusts, Developers, Friends Groups and other key stakeholders on preparation and delivery of the projects.
Dudley Council therefore has a duty to conserve and enhance the significance, character and appearance of the borough’s historic environment when carrying out its statutory functions and through the planning system.

The Council favours and applies a ‘constructive conservation’ approach towards the conservation and management of the Borough’s historic environment. Historic England’s ‘Constructive Conservation – Sustainable Growth for Historic Places’ (March 2013) states that:

‘Constructive conservation’ is the term used by Historic England to describe the protection and adaptation of historic buildings and places through actively managing change. The approach is positive and collaborative, based upon a shared understanding of the qualities which make a place or building special. The aim of constructive conservation is to achieve a balance which ensures that those qualities are reinforced rather than diminished by change, whilst achieving a solution which is architecturally and commercially deliverable’.

Dudley Council’s Local Plan contains a suite of historic environment policies with a constructive conservation focus. Currently, Dudley’s Local Plan comprises:

- Black Country Core Strategy (BCCS, adopted 2011);
- Dudley Borough Development Strategy (DBDS, adopted 2017);
- Area Action Plans (AAPs) for each of the borough’s main town centres - Brierley Hill, Dudley, Halesowen and Stourbridge (variously adopted 2011 to 2017).

Please see the Policy Context chapter of this document for further details.

This Historic Environment SPD does not set out any additional policy - rather it provides further guidance on existing planning policy included in Dudley’s Local Plan, and identifies the evidence base that justifies Dudley Council’s approach. This SPD is aimed at applicants and developers but will also assist heritage consultants, planning officers, council members and members of the public. It is relevant to all stages of the planning process from pre-application enquiries through to full planning applications and is also relevant in forward planning and to the site allocations made in Local Plans.

This SPD guidance aims to ensure that:

- Dudley Borough’s historic environment plays a clear and strong role in any future regeneration, development and management decisions;
- It provides information to all those involved in projects of the sort of things that should be considered when undertaking works to or affecting the historic environment;
- Key principles of Dudley’s Local Plan policies are met;
- Key principles of the NPPF on the historic environment are fully met, ensuring that local planning decisions protect, conserve and enhance the significance of Dudley’s heritage assets whilst delivering sustainable economic growth;
- To minimise the cost to development and streamline the planning application process by ensuring that all appropriate supporting material regarding the historic environment is provided;
- To promote current best conservation and archaeological practice in a consistent and open manner;
- To fulfil Dudley Council’s Statutory Duties relating to the Historic Environment.
Chapter 1 - The Benefits of Heritage

Dudley’s historic environment contributes to the enjoyment of life and provides a unique sense of identity that enriches the lives of residents, people who work in the borough and visitors. The historic environment also provides the borough with a variety of tourist attractions and a wealth of assets whose sensitive use or re-use helps drive the local economy. The historic environment acts as a catalyst to regeneration and investment by making areas distinctive and desirable, drawing people in and encouraging them to stay.

It is now well established that heritage is not an adjunct to a healthy economy, but a major driver of economic growth and a source of employment. Collier’s in their 2011 survey ‘Encouraging Investment in Industrial Heritage at Risk - the investment performance’ identified that one in four businesses agreed that the historic environment was an important factor in deciding where to locate, equal in importance to road access.

Research by the London School of Economics and Historic England on Conservation areas has found that property prices inside conservation areas have grown at a rate that exceeds comparable properties elsewhere. To read the full assessment report on the effects of conservation areas on value click on the following link:-
https://content.historicengland.org.uk/content/docs/research/assessment-ca-value.pdf

Historic England carries out annual surveys of England’s historic environment and publishes the information is their ‘Heritage Counts’ reports. Its 2014 Heritage Counts report focuses on the ‘value and impact of heritage’ and identifies the many benefits of the historic environment

*Heritage Counts* (2014) is available on Historic England’s website at:

The key benefits of heritage are summarised below and are expanded on further at Appendix 1:
Figure 1: The Benefits of Heritage and the Historic Environment


Dudley’s ‘Council Plan’ outlines Dudley Council’s philosophy and sets out the 3 Key Priorities that shape the services that it provides. Under each of these key priorities are 3 Aims by which the key priority will be delivered. Using the above Historic England ‘Heritage Counts’ information as a guide, the following diagram identifies those Dudley Council Plan Aims (in dark print) that the historic environment can contribute towards:
In summary therefore, it can be seen that Heritage and the Historic Environment contributes directly towards the three dimensions of sustainable development (economic, social and environmental), and that its benefits are many and wide ranging and closely relate to a number of aims set out in Dudley’s Council Plan. The Council’s ‘constructive conservation’ approach towards conserving and managing Dudley Borough’s historic environment is clearly appropriate in these terms.
Chapter 2 - Policy Context

The character and quality of Dudley’s historic environment is one of the Borough’s greatest assets. To ensure that this is exploited to its best advantage and recognised by the community at large it is necessary to have planning policies in place to protect the Borough’s distinctive townscape, landscape, individual buildings and archaeology. The overarching aim of the Council’s Historic Environment policies is, therefore, to assist in maintaining the individual identify and character of the Borough as a whole.

Dudley’s Policy Framework

The diagram below identifies Dudley Borough’s policy framework for its historic environment – this then being expanded upon in the following text:

Figure 3: Policy Framework for Dudley’s Historic Environment
National Policy

The Government published its National Planning Policy Framework (NPPF) during March 2012, setting out its economic, social and environmental planning policies.

It is a requirement of the planning process that Supplementary Planning Documents (SPDs) must be consistent with the NPPF and with the local planning authority’s Local Plan.

NPPF paragraph 17 sets out 12 core planning principles that should underpin both plan-making and decision-taking – including that planning should: Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The NPPF (Annex 2 Glossary) defines a ‘heritage asset’ as: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

The NPPF includes a chapter dedicated to and recognising the importance of the historic environment - Chapter 12 Conserving and Enhancing the Historic Environment.

NPPF Chapter 12 paragraph 126 states that local authorities should set out a ‘positive strategy’ within their local plans ‘for the conservation and enjoyment of the historic environment’, and in doing so they ‘should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance’.


Local Policy

Dudley’s Local Plan

Dudley Borough’s Local Plan sets out policies and site allocations for the development and use of land. It consists of the Black Country Core Strategy (BCCS, adopted 2011), the Dudley Borough Development Strategy (DBDS, adopted 2017) and Area Action Plans (AAPs) for each of the borough’s main town centres (Brierley Hill, Dudley, Halesowen and Stourbridge – variously adopted 2011 to 2017.)

Black Country Core Strategy (BCCS)

The BCCS was produced jointly by Dudley, Sandwell, Walsall and Wolverhampton Councils and was adopted February 2011. This Core Strategy is a spatial planning document that sets out the vision, objectives and strategy for future development in the Black Country to 2026.
The BCCS Vision focuses on sustainable communities, environmental transformation and economic prosperity. Supporting this Vision, the BCCS sets out a number of Spatial Objectives – some of which refer to the Black Country’s historic environment:

‘A network of vibrant and attractive town, district and local centres across the Black Country, each offering an appropriate choice of facilities. The historic character of these centres will be protected and enhanced...’

‘A high quality environment fit for the future... whilst valuing its local character and industrial legacy.’

The following table identifies BCCS Policies with regard to the Black Country’s historic environment:

**Table 1: BCCS Historic Environment Policies**

<table>
<thead>
<tr>
<th>Key Policy: ENV2 - Historic Character and Local Distinctiveness</th>
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</thead>
<tbody>
<tr>
<td>Policy ENV2 initially states:</td>
</tr>
<tr>
<td><em>All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.</em></td>
</tr>
</tbody>
</table>

Policy ENV2 then identifies locally distinctive elements of the Black Country for which development proposals should aim to sustain and reinforce special character and conserve historic aspects – including for example:

- **The civic, religious and commercial cores of the principal settlements of medieval origin such as Wolverhampton, Dudley, Wednesbury and Walsall;**
- **Areas of Victorian and Edwardian higher density development which survive with a high degree of integrity...;**
- **The canal network and its associated infrastructure...;**
- **Buildings, structures and archaeological remains of the traditional manufacturing and extractive industries of the Black Country...**

Policy ENV2 then goes on to state:

*In addition to statutorily designated and protected historic assets, particular attention should be paid to the preservation and enhancement of:*

- **Locally listed historic buildings and archaeological sites;**
- **Historic parks and gardens including their settings;**
- **Locally designated special landscape areas and other heritage based site allocations.**

Policy ENV2 concludes by stating:

*In some instances local authorities may require developers to undertake detailed Historic Landscape Characterisation studies to support their proposals.*

**Other relevant Policies: listed below**

<table>
<thead>
<tr>
<th>CSP3 - Environmental Infrastructure</th>
<th>Please see the BCCS for further details</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSP4 - Place Making</td>
<td></td>
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<tr>
<td>ENV3 - Design Quality</td>
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<tr>
<td>ENV4 - Canals</td>
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</table>
The Black Country Core Strategy (BCCS) is available at: http://www.dudley.gov.uk/resident/planning/planning-policy/local-plan/bccs/

Dudley Borough Development Strategy (DBDS)

The Dudley Borough Development Strategy (DBDS) was adopted by Dudley Council during 2017 and builds on and adds detail to the Black Country Core Strategy (BCCS). The DBDS sets out borough-specific planning policies to guide development decisions and planning approvals as well as providing site-specific allocations primarily for housing and employment uses up to 2026.

The DBDS includes a chapter specifically as regards the Historic Environment, which commences by stating that: The character and quality of Dudley’s historic environment is one of the Borough’s greatest assets.

Reference is then made to the Council’s evidence base which underpins the DBDS Historic Environment chapter, which includes the:
- Borough-wide Urban Historic Landscape Characterisation Study (UHLCS);
- Historic Environment SPD;
- Glass Quarter SPD;
- Glass Quarter Urban Historic Landscape Characterisation (UHLC);
- UHLC’s for each of the Borough’s main town centres (Brierley Hill, Dudley, Halesowen and Stourbridge).

This evidence base additionally includes Dudley Council’s Historic Environment Record (HER) available at http://www.dudley.gov.uk/resident/planning/historic-environment/historic-environment-record/

The two following tables identified DBDS Policies with regard to Dudley Borough’s historic environment:

**Table 2: DBDS Historic Environment Chapter Policies**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Policy Extracts and Requirements</th>
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<tr>
<td>S8 - Conservation and Enhancement of Local Character and Distinctiveness</td>
<td>Policy S8 requires that: All development proposals within the Dudley Borough should take account of the locally distinctive character of the area in which they are to be sited, including its historic character, whether formally recognised or as a non designated heritage asset... The Policy continues that new development should reinforce and enhance local distinctiveness, with submitted Design and Access and Heritage Statements making full use of and reference to Dudley Council’s Historic Environment evidence base documents.</td>
</tr>
<tr>
<td>S9 - Conservation Areas</td>
<td>Policy S9 states: The Council will seek to safeguard and enhance the Conservation Areas of the borough ensuring that proposals will better reveal their significance as designated heritage assets. The Policy includes that inappropriate demolition, alteration or extension of buildings in Conservation Areas, proposals detrimental to such a building’s character or setting, and proposals which could prejudice views into or out of Conservation Areas will be resisted.</td>
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</tbody>
</table>
### S10 - Listed Buildings

Policy S10 states and then requires that: *The Council will protect, conserve and encourage the appropriate enhancement of buildings statutorily listed as being of historic or architectural value. Applicants proposing the alteration, extension or change of use of a statutorily Listed Building will be required to provide sufficient information to demonstrate how the proposals would contribute to the building’s conservation, whilst preserving or enhancing its architectural or historic interest.*

The policy continues: *Proposals for the demolition, or the inappropriate alteration of, or addition to, statutorily Listed Buildings, or for development which would harm their significance or be detrimental to their setting, will be resisted.*

### S11 - Buildings of Local Historic or Architectural Importance

This Policy addresses those buildings and structures which are not statutorily listed but remain significant and are thus included in Dudley’s Local List and protected for their local historic importance.

Policy S11 initially states: *Development proposals which contain positive measures to conserve and enhance buildings on the Local List will be supported.*

The Policy then continues by resisting development involving the inappropriate demolition, alteration or extension of buildings or structures, or detrimental impact on their setting or context.

### S12 - Areas of High Historic Townscape Value (AHHTV)

Policy S12 includes: *New development proposals within an AHHTV, as defined by Dudley’s Historic Landscape Characterisation Survey (HLCS), must consolidate or enhance the existing positive characteristics of the locality, including the public realm, in order to create complementary good quality design. Views into, out of and within the AHHTV must be respected.*

### S13 - Areas of High Historic Landscape Value (AHHLV)

Policy S13 states: *Within Areas of High Historic Landscape Value, Dudley Council will resist any development or other works taking place which would be detrimental to the character, quality and historic integrity of the landscape.*

### S14 - Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV)

Policy S14 includes that: *Dudley Council will resist any development or other works taking place which would harm the significance or be detrimental to the setting, character, quality and historic integrity of Registered Parks and Gardens at Leasowes Park and Priory Park and Designed Landscapes of High Historic Value including detailed design features and individual historic components, whether man made or natural.*

### S15 - Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)

Policy S15 includes that: *The Council will seek to ensure that archaeological remains of interest are preserved in situ and encourage landowners to enter into management agreements in this regard.*
Table 3: Other relevant DBDS Policies (additional to the Historic Environment chapter)

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
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<tbody>
<tr>
<td>S1 – Presumption in favour of Sustainable Development</td>
<td>Please see the DBDS for further details</td>
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<td>S6 - Urban Design</td>
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<td>S7 - Landscape Design</td>
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<td>S20 - The Borough’s Geology</td>
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<td>S22 – Mature Trees, Woodland and Ancient Woodland</td>
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<td>S25 Canals</td>
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<td>S32 – Parks</td>
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<td>S35 – Burial Land including Cemeteries and Crematoriums</td>
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<td>S36 Public Houses</td>
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<tr>
<td>L1 Housing Development, Extensions and Alterations to Existing Dwellings</td>
<td></td>
</tr>
<tr>
<td>L12 Shop Front Security</td>
<td></td>
</tr>
<tr>
<td>D1 – Access for All</td>
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The Dudley Borough Development Strategy (DBDS) is available at: http://www.dudley.gov.uk/resident/planning/planning-policy/local-plan/devstrat/

Area Action Plans (AAPs)

Dudley Council has produced Area Action Plans (AAPs) for each of the borough’s four main town centres of Brierley Hill, Dudley, Halesowen and Stourbridge – these being available on Dudley Council’s Local Plan webpage at: http://www.dudley.gov.uk/resident/planning/planning-policy/local-plan/

These AAPs were variously adopted by the Council over the period 2011 to 2017, and set out a vision, objectives and a detailed spatial strategy for future development in these town centres and their environs up to 2026.

Each of these four AAPs gives detailed focus to the historic environment, containing similar Policies to as set out above regarding the Dudley Borough Development Strategy (DBDS) Historic Environment chapter.
Chapter 3 - Dudley Borough’s Heritage Assets

What is a Heritage Asset?

The Government’s National Planning Policy Framework (NPPF) (Annex 2 Glossary) defines a ‘heritage asset’ as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage assets include both ‘designated’ and ‘non-designated assets’. Further guidance on designated heritage assets and non-designated heritage assets can be found in the following paragraphs below. Dudley Council maintains an electronic, map-based, indexed database of all known heritage assets in the Borough on the Dudley Historic Environment Record (HER) – there being some 3500 assets in total.

The diagram below illustrates the relationships between nationally identified designated heritage assets and those that can be identified locally by Dudley Council as the local planning authority:

Figure 4: Designation Framework for Heritage Assets
Designated Heritage Assets

The NPPF (Annex 2 Glossary) defines a ‘designated heritage asset’ as: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Heritage assets are designated in various ways. The Government’s Planning Practice Guidance as to ‘Conserving and Enhancing the Historic Environment’ is available at http://planningguidance.communities.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/ and states that:

- The Department for Culture, Media and Sport (DCMS) is responsible for the identification and designation of listed buildings, scheduled monuments and protected wreck sites;
- Historic England identifies and designates registered parks, gardens and battlefields;
- World Heritage Sites are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO);
- In most cases, conservation areas are designated by local planning authorities;
- Historic England administers all the national designation regimes.

It should be noted that there are no World Heritage Sites, Protected Wreck Sites or Registered Battlefields within Dudley Borough.

Relevant Legislation and Planning Policy

Table 4: Dudley’s Designated Heritage Assets and Relevant Legislation

<table>
<thead>
<tr>
<th>Type of designated Heritage Asset</th>
<th>Grade</th>
<th>Relevant Legislation</th>
<th>Protected in the Planning Process</th>
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<tbody>
<tr>
<td></td>
<td>Grade II*</td>
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The remainder of this section looks at the various designated heritage assets found in Dudley Borough as they relate to the NPPF designation set out above:

**Scheduled Monuments**

A Scheduled Monument is an archaeological site or historic building or structure that is included in the Schedule of Monuments kept by the Secretary of State for Culture, Media and Sport. The regime is set out in the Ancient Monuments and Archaeological Areas Act 1979. More information is available at: [https://www.historicengland.org.uk/advice/planning/consents/smc](https://www.historicengland.org.uk/advice/planning/consents/smc)

A Scheduled Ancient Monument is of national importance by reason of its historic, architectural, traditional, artistic or archaeological importance. Protection is given to everything that forms part of the land and buildings within the boundary as shown on the schedule entry, unless expressly excluded such as modern day road surfaces.

Once a monument is Scheduled, any works to it (whether above or below ground) must first obtain consent from the Secretary of State (not the local planning authority). Historic England manages the process of Scheduled Monument Consent on behalf of the Secretary of State. It is a criminal offence to disturb a scheduled monument by carrying out works without consent. The following link provides more information about how to apply for scheduled monument consent: [https://content.historicengland.org.uk/content/docs/planning/smc-notes-applicants.pdf](https://content.historicengland.org.uk/content/docs/planning/smc-notes-applicants.pdf)

Dudley Council will not provide planning permission which would involve works to a Scheduled Ancient Monument unless the applicant can demonstrate that they have discussed their proposals with Historic England and have either already obtained or will be able to obtain Scheduled Monument Consent. Details of the monuments on the Schedule, including copies of the Schedule citations are available on the National Heritage List for England available at: [https://www.historicengland.org.uk/listing/the-list](https://www.historicengland.org.uk/listing/the-list)

There are a total of 11 scheduled monuments in Dudley Borough comprising buildings, earthworks and isolated structures – they are some of the borough’s most important features and are listed below:
Table 5: Dudley Borough Scheduled Ancient Monuments

<table>
<thead>
<tr>
<th>Scheduled Ancient Monument</th>
<th>Dudley Council Historic Environment Record (HER) Reference</th>
<th>Historic England Monument Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dudley Castle, Dudley</td>
<td>12249</td>
<td>21613</td>
</tr>
<tr>
<td>St Mary's Abbey, Halesowen</td>
<td>12801</td>
<td>21568</td>
</tr>
<tr>
<td>Triangular Crane, Bumble Hole, Netherton</td>
<td>2010</td>
<td>2010</td>
</tr>
<tr>
<td>St James's Priory, Dudley</td>
<td>999</td>
<td>35114</td>
</tr>
<tr>
<td>Wychbury Camp, Pedmore</td>
<td>2707</td>
<td>WM7</td>
</tr>
<tr>
<td>Medieval Settlement, Cooper's Bank Farm, Dudley</td>
<td>7644</td>
<td>30015</td>
</tr>
<tr>
<td>Cross, St John the Baptist Churchyard, Halesowen</td>
<td>12803</td>
<td>30034</td>
</tr>
<tr>
<td>Cross, St Mary's Churchyard, The Village</td>
<td>1033</td>
<td>30037</td>
</tr>
<tr>
<td>Coalmining remains, Saltwells Wood, Brierley Hill</td>
<td>12093</td>
<td>35113</td>
</tr>
<tr>
<td>The Redhouse, Whitehouse and Newhouse Glassworks, High Street, Wordsley</td>
<td>12533</td>
<td>35119</td>
</tr>
<tr>
<td>Castle Hill &amp; Wrens Nest: Lime Industry</td>
<td>12291</td>
<td>35127</td>
</tr>
</tbody>
</table>

An example of a Scheduled Monument is as follows:

Dudley Castle, Dudley – Scheduled Monument HER ref 12249:

The description on the national Heritage Gateway for Dudley Castle reads: Scheduled Ancient Monument (and also grade I Listed Building). Built as a Motte and Bailey in 1070, converted to stone in the 12th century. Slighted in the 1180’s and rebuilt in the mid to late 13th century. Later additions included the late 15th century Kitchen Annex. The domestic wing was demolished and rebuilt in the 1530’s. The castle was held as a Royalist stronghold during the Civil War and was slighted by order of Parliament in 1649. Although the domestic wing was still habitable this succumbed to a fire in 1750 and thereafter it was considered to be a Romantic ruin. In 1936 a zoo was placed around it and the castle became a tourist attraction.
Listed Buildings

The Statutory List of Buildings of Special Architectural or Historic Interest is made up of buildings or structures which are considered to be of national importance because of their architectural or historic interest. As well as being special in themselves they often contribute significantly to the character of the wider locality. The list is maintained by Historic England and applications for new entries or to remove or amend an existing entry is made to Historic England, who will in-turn investigate the merits of the application and make a recommendation to the Secretary of State (for Culture, Media and Sport) who will make the decision.

Listed buildings are graded to show their relative importance:
- Grade I buildings are of exceptional interest, sometimes considered to be internationally important – nationally, only 2.5% of all listed buildings are Grade I;
- Grade II* buildings are particularly important buildings of more than special interest – nationally, 5.5% of listed buildings are Grade II*;
- Grade II buildings are nationally important and of special interest - 92% of all listed buildings are in this class and it is the most likely grade of listing for a home owner.

Once listed, the whole of any principal building makes up the listing, including the interior. Any pre-1948 objects, structures and buildings that formed part of the land within the curtilage of the principal listed building at the date of listing, and were ancillary to the principal building, are considered to be part of the listing, and consequently treated as Listed Buildings in their own right.

Listed Building Consent is required if proposed works will affect the special interest of the listed building. Consent is therefore required where the proposals intend to alter, extend, demolish or restore a Listed Building or a curtilage Listed Building or structure. This also includes alterations to the building’s interior or parts of the building that are not visible from public spaces. Any works undertaken to a building without listed building consent is considered to be a criminal offence. When considering applications for development to, or affecting the setting of, a Listed Building, the overriding consideration will be the effect on the significance of the heritage asset.

In total, there are approaching 300 statutory listed buildings and structures in Dudley Borough. Many of these are a product of 18th and 19th century industrial growth, but there are also earlier structures which show the development of building style over time. An example statutory listed building in Dudley Borough follows:

Dudley Zoo - Kiosk to south of Bear Pit, Castle Hill, Dudley - Grade II* - HER ref 937:
Information on the national Heritage Gateway summarises the building as: *A kiosk for the sale of refreshments, designed by Lubetkin and Tecton, and built 1935-7,* and describes the building as an *Elliptical structure, largely open, with a canopy supported on metal supports.* The Heritage Gateway entry identifies this asset’s value in terms of its *Architectural interest, design interest, group value and its setting.*

**Registered Parks and Gardens**

Historic England is responsible for the designation of registered parks and gardens and accordingly has compiled a *Register of Historic Parks and Gardens of special historic interest in England.* These assets are of national value and are Registered under the National Heritage Act 1983 which currently identifies over 1,600 sites.

The emphasis of the Register is on gardens, grounds and other planned open spaces, such as town squares. The majority of sites registered are, or started life as, the grounds of private houses, but public parks and cemeteries form important categories too. The emphasis of the Register is on 'designed' landscapes, rather than on planting or botanical importance.

Inclusion on the Register is a 'material consideration' in the planning process, meaning that planning authorities must consider the impact of any proposed development on the landscape’s special character. There is not however a separate planning consent in terms of Registered Parks and Gardens (such as Listed Building Consent).

When considering applications for development in or affecting the setting of a historic park and garden, the primary consideration will be the effect(s) on the significance of the heritage asset.

More information on Historic England’s *Register of Historic Parks and Gardens* is available at: [https://historicengland.org.uk/listing/what-is-designation/registered-parks-and-gardens/](https://historicengland.org.uk/listing/what-is-designation/registered-parks-and-gardens/)

There are 2 Registered Parks and Gardens in Dudley Borough – The Leasowes at Halesowen (see below) and Priory Park in Dudley.

**The Leasowes, Halesowen – Grade I registered – HER Ref 3954:**

A ‘ferme ornee’ (ornamental farm) landscape laid out in the 1740s and 1750s by William Shenstone and heavily influencing the style of landscape gardening both then and during the late 18th Century:
Conservation Areas

Conservation Areas are designated by the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990. The Government’s Planning Practice Guidance states that a Conservation Area is:

*An area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.*

Dudley Council has identified and designated a total of 22 Conservation Areas and sees them as a particularly important part of the Borough’s heritage. Some of them are centred around canals, some are set around open space and others around local shopping centres or residential areas. Plans showing the extent of all of the Conservation Areas administered by Dudley Council are available at:


A conservation area’s character and attraction comprises more than buildings alone. The uses they are put to and the spaces around and between them are also important. A conservation area, therefore, protects the whole area and not just the buildings within it.

The aim of conservation area designation is to control and manage change in a way that conserves what is special about the area and, where possible, improve upon it. Conservation Area designation introduces a general control over the demolition of buildings exceeding 115 cubic metres. The Conservation Area designation has an impact on development through the Town and Country Planning (General Development Procedure) Order (GDPO) requiring the submission of planning applications for certain types of development which are elsewhere classified as permitted development. These include various types of cladding, the erection of dormer windows and satellite dishes. The size of extensions that may be erected without planning consent is also more restrictive in Conservation Areas.

Any work planned to a tree in a Conservation area must be notified to the local planning authority at least six weeks in advance so that the local planning authority may assess whether to make a Tree Preservation Order. For more information please click on the following Link:


Additional controls are applied to minor developments within certain conservation areas in the form of *Article 4 Directions* – requiring planning permission for small-scale change that could otherwise gradually erode the character of a conservation area such as alterations to windows and doors. Article 4 Directions apply in 3 of Dudley's conservation areas – these being Love Lane, the Leasowes and Mushroom Green. For more information please click on the following Link:


Conservation Area Appraisals can be produced by the Local Authority detailing the important historic elements of the area. These are a material consideration when...
determining planning applications and appeals for development within a Conservation Areas or their settings.

**Table 6: The 22 Conservation Areas in Dudley Borough**

<table>
<thead>
<tr>
<th>Name of Conservation Area</th>
<th>Date of Original Designation</th>
<th>Date(s) of amendments/extensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Saints, Sedgley</td>
<td>October 1983</td>
<td>TBC in 2017</td>
</tr>
<tr>
<td>Brierley Hill High Street</td>
<td>March 2009</td>
<td></td>
</tr>
<tr>
<td>Bumble Hole, Netherton</td>
<td>June 1995</td>
<td></td>
</tr>
<tr>
<td>Castle Hill, Dudley</td>
<td>February 1975</td>
<td>March 2005</td>
</tr>
<tr>
<td>Church Road, Oldswinford</td>
<td>February 1975</td>
<td></td>
</tr>
<tr>
<td>The Coppice, Coseley</td>
<td>January 1970</td>
<td></td>
</tr>
<tr>
<td>Delph 'Nine' Locks, Brierley Hill</td>
<td>February 1976</td>
<td>April 2007</td>
</tr>
<tr>
<td>Dudley Town Centre Conservation Area</td>
<td>March 2005</td>
<td>October 2015</td>
</tr>
<tr>
<td>High Street, Stourbridge</td>
<td>February 1975</td>
<td>September 2005</td>
</tr>
<tr>
<td>The Leasowes, Halesowen</td>
<td>February 1976</td>
<td></td>
</tr>
<tr>
<td>Love Lane, Oldswinford</td>
<td>September 1976</td>
<td>April 1998</td>
</tr>
<tr>
<td>Lutley Mill’ Lutley</td>
<td>February 1975</td>
<td></td>
</tr>
<tr>
<td>Mushroom Green</td>
<td>April 1970</td>
<td>October 1977</td>
</tr>
<tr>
<td>Oak Street, Coseley</td>
<td>November 1969</td>
<td></td>
</tr>
<tr>
<td>Parkhead Locks, Dudley</td>
<td>May 1981</td>
<td></td>
</tr>
<tr>
<td>Stourbridge Branch Canal (Amblecote)</td>
<td>March 1987</td>
<td>April 2007</td>
</tr>
<tr>
<td>Stourbridge Branch Canal (Canal Street)</td>
<td>October 1982</td>
<td>April 2007</td>
</tr>
<tr>
<td>The Village, Kingswinford</td>
<td>November 1969</td>
<td></td>
</tr>
<tr>
<td>Wollaston</td>
<td>January 1991</td>
<td>TBC in 2017</td>
</tr>
<tr>
<td>Wordsley Church, Wordsley</td>
<td>October 1969</td>
<td>TBC in 2017</td>
</tr>
<tr>
<td>Wordsley Hospital</td>
<td>December 2005</td>
<td></td>
</tr>
</tbody>
</table>

As an example of the above:

**Castle Hill Conservation Area, Dudley:**
The Castle Hill Conservation Area was first designated in February 1975, with its boundary being revised in 2005 to form the separate Dudley Town Centre Conservation Area to the adjoining south west.
Local Heritage Assets

The Government’s Planning Practice Guidance sets out that local planning authorities such as Dudley Council can identify what the Government describes as ‘non-designated heritage assets’ - the Guidance stating: These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.

Following on from the above, The Government’s Planning Practice Guidance states:

- Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.

- It is helpful if Local Plans note areas of potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record (HER) will be a useful indicator of archaeological potential in the area.

- When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.

The Government’s Planning Practice Guidance (including as to ‘Conserving and enhancing the historic environment’) is available at: http://planningguidance.communities.gov.uk/blog/guidance/

Within the borough there are a number of buildings, monuments, sites, places, areas and landscapes, whilst not statutorily protected, are considered to contribute to the significance, quality and local distinctiveness of the borough. The below table provides an overview of the types of non-designated heritage assets in the borough.

Relevant Planning Policy

Table 7: Non-designated Heritage Assets within Dudley and the Relevant Planning Policies

<table>
<thead>
<tr>
<th>Types of non-designated Heritage Asset in Dudley</th>
<th>Grade</th>
<th>Protected in planning process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-designated heritage assets (including ones of archaeological interest) identified on the HER and/or in UHLC.</td>
<td>N/A</td>
<td>Section 12 of the National Planning Policy Framework (NPPF)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dudley Borough Development Strategy (DBDS) Policies S8 and S15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Black Country Core Strategy (BCCS) Policy ENV2</td>
</tr>
<tr>
<td>Buildings of Local Historic or Architectural Importance or</td>
<td>N/A</td>
<td>Section 12 of the NPPF</td>
</tr>
</tbody>
</table>
Defining Non-Designated Heritage Assets

Dudley Council has published Urban Historic Landscape Characterization studies (UHLCs) for the borough as a whole, the Glass Quarter, and each of the four principal town centres (Brierley Hill, Dudley, Halesowen and Stourbridge). In accordance with the Government’s Planning Practice Guidance, these UHLC studies each include a clear set of criteria for defining non-designated heritage assets. Dudley Council will use this in combination with the Historic Environment Record (HER) and other information to define non-designated heritage assets (such other information including that provided by applicants and or consultees, other historic documentary sources and Dudley Council’s expert advisors’ professional judgement).

Not all HER records automatically represent heritage assets, only those which can be defined as having significance in relation to the heritage values outlined by Historic England in their Conservation Principles document available at: https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/
Dudley’s Non-Designated Heritage Assets

There are some 2750 locally important non-designated local heritage assets in Dudley Borough. These include buildings, structures, monuments, places, areas, landscapes, earthworks and buried remains of archaeological importance and all hold an understanding of the borough’s past and how it has evolved to the present thus reinforcing the sense of place and local distinctiveness that makes Dudley special. Sites range in date and type from prehistoric artefact scatters to medieval settlements, historic parkland, watermills and the many sites and structures of the Industrial Revolution. New assets are regularly identified through survey, fieldwork and through information provided by local people. An example non-designated local heritage asset follows:

Wooden Grave-board, St. Mary's Church Graveyard, Kingswinford – HER Ref 12814:

The Heritage Gateway states: A rare wooden grave-board next to the west wall of St. Mary's Church Graveyard. The shaped board has the legend "AFFECTIONATE REMEMBERANCE OF OUR FATHER JOSEPH HENRY BATE DIED MARCH 21 1901 AGED 62 YEARS. DHB" Flat bottomed lettering inscribed with a 1/4 inch chisel. The infill had been painted with black paint.

Non-designated heritage assets with archaeological interest

The Government’s Planning Practice Guidance states:

*It is helpful if Local Plans note areas of potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record (HER) will be a useful indicator of archaeological potential in the area.*

Non-designated heritage assets with archaeological interest are not subject to a separate consent regime. However since 1990 they have been a material consideration within the planning process and this remains the case under the NPPF. When determining applications for development affecting non-designated heritage assets with archaeological interest, consideration will be given to the effect on their significance. In this respect a heritage asset can be defined as having archaeological interest if ‘It holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them’ (NPPF Annex 2, page 50).
An example non-designated heritage asset with archaeological interest follows:

**Archaeological importance – Stone Street Square, Dudley: Site of Dudley Flint Glassworks – HER Ref 4829:**

The Heritage Gateway includes that: *The earliest reference to Abiather Hawkes’ glassworks is on John Snape’s Map of 1785. In 1838 a square glasshouse was added to the original cone but the works closed in 1843 due to a trade depression. The works were demolished in 1886, and a Fire Station built in 1892.*

During Nov 2012 and Jan 2014 Benchmark Archaeology undertook a programme of Archaeological Field Evaluation. Archaeological trial trenching within the former Fire Station stable block identified a series of structural features relating to the Dudley Flint Glassworks of c. 1776 – 1843 and further structural features which are almost certainly associated with the Dudley Fire Station of c. 1892 – 1939. The glassworks features were identified in Trench 1 and comprised elements of the southwest portion of the glass cone and ancillary buildings of uncertain function.

**The Dudley Local List**

The Government’s Planning Practice Guidance states:

- **Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.**

- **When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.**

A good number of buildings and structures in the Borough which do not currently meet national criteria for statutory listing are nevertheless of significant local historical importance and worthy of protection and conservation in their own right. In 1996 Dudley Council adopted its ‘Local List’ of such buildings and structures, based on the contribution they make to the character and distinctiveness of the Borough’s townscape and landscape.
The Dudley Local List has since been reviewed using an updated set of assessment criteria (which was produced following a public consultation exercise during 2015) and currently comprises upwards of 300 entries.

The Dudley Local List is available on Dudley Council’s website at: [http://www.dudley.gov.uk/resident/planning/historic-environment/localist-atoz/](http://www.dudley.gov.uk/resident/planning/historic-environment/localist-atoz/)

Historic England provides additional guidance on Local Listing in their Advice Note 7: [https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/](https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/)

An example locally listed building in Dudley Borough follows:

**Dudley Pumping Station, Bull Street, Dudley – HER Ref 4971:**

The Heritage Gateway gives the following description: *Water pumping station & associated under-ground reservoir. Station is a range of 3 interconnected sheds in red brick with an arced pattern to the main walls. The roofs are high, slated, with glass louvres & decorative finials, supported by light iron framing. A terracotta tablet bears the legend: “South Staffordshire Waterworks Company 1901”.*

**Area Based Local Heritage Assets**

As earlier set out in this chapter, the Government’s National Planning Policy Framework (NPPF) defines heritage assets to include not just buildings and structures but also wider areas and landscapes.

Dudley Council supports this holistic approach in both ‘designated’ and ‘local’ heritage asset terms – designating not only conservation areas but also identifying and safeguarding numerous locally important areas for their contribution towards the borough’s historic townscapes, landscapes, designed landscapes and archaeology.

These areas are introduced in the ‘Dudley Borough-Wide Urban Historic Landscape Characterisation Study’ (UHLC) produced in 2016 which divides the borough into a total of 8 broad character areas, and within these identifying a good quantity of each of the following areas:

- Areas of High Historic Townscape Value (AHHTVs);
- Areas of High Historic Landscape Value (AHHLVs);
- Designed Landscapes of High Historic Value (DLHHVs);
- Archaeological Priority Areas (APAs).
The Dudley Borough-Wide Urban Historic Landscape Characterisation Study’ (UHLC, 2016) is available at: http://www.dudley.gov.uk/resident/planning/historic-environment/historic-landscape-characterisation-hlc/

Areas of High Historic Townscape Value (AHHTVs)

Identified in order to illustrate the distribution and extent of areas where built heritage makes a significant contribution to local character and distinctiveness across the Borough. These areas, although not formally designated as conservation areas, nevertheless exhibit a concentration of historic assets that in combination make a particularly positive contribution to local character and distinctiveness. This was assessed in the Borough-wide UHLC alongside the contribution of the streetscape, landscape features (including views) and their historical associations. The areas selected as warranting designation as an AHHTV are those considered to be of particular value within the Borough. Their criteria for selection are contained within the Borough-Wide UHLC. (The example image is of Tenter Drive, which sits within Halesowen’s wider ‘Tenterfields Historic Housing and School AHHTV’).

Areas of High Historic Landscape Value (AHHLVs)

Whereas AHHTV’s recognises the contribution to local character and distinctiveness of the structures within built-up areas, Areas of High Historic Landscape Value (AHHLV) recognise the quality of the wider landscape, such as areas of open space, woodland, watercourses, hedgerows, and archaeological features and their historic, communal, ecological and aesthetic values. Their criteria for selection are contained within the Borough-Wide UHLC. (The example image is of Sedgley Beacon, located at the northern edge of Dudley Borough).

Designed Landscapes of High Historic Value (DLHHVs)

There are numerous landscaped areas within the borough that make an important contribution to its character as a result of their design and historic associations, but which would not meet the criteria for inclusion on the national Register of Parks and Gardens. As such the most historically significant of these areas are identified within the Borough-Wide UHLC to ensure that their contribution to local character and
distinctiveness is recognised. *(The example image is of Mary Stevens Park, Stourbridge).*

**Archaeological Priority Areas (APAs)**

There are a number of sites throughout the Borough that have been identified as having a high potential for the survival of archaeological remains of regional or national importance that have not been considered for designation as scheduled monuments, or where there is insufficient data available concerning the state of preservation of any remains to justify such a designation. Archaeological Priority Areas have been designated based upon an analysis of survival, rarity, representation and vulnerability. *(The image shows there to be a wide spread of APAs distributed throughout Dudley Borough).*
Chapter 4 - Finding Information about Dudley’s Historic Environment

There are a number of ways of finding out about the heritage assets of the borough. The starting point is to visit the Historic Environment pages of Dudley Council’s website at and the Heritage Gateway managed by Historic England – these being available at:

http://www.dudley.gov.uk/resident/planning/historic-environment/
http://www.heritagegateway.org.uk/gateway/about/default.aspx

The description of all nationally designated heritage assets can be found at the National Heritage List for England available at:
https://historicengland.org.uk/advice/hpg/heritage-assets/nhle/ (using the links on the right-hand side of this webpage, click on ‘listing’ and then ‘search the list’).

For archaeological remains, Historic England has published over 40 ‘Introductions to Heritage Assets (Archaeology)’. These documents describe heritage assets dating from prehistory through the medieval period and on to modern military installations, and are available at:

Further information can be provided by Officers of the Dudley Historic Environment Service – see the following webpage for further details:
http://www.dudley.gov.uk/resident/planning/historic-environment/

Paragraph 169 of the NPPF states that ‘Local planning authorities should have an up-to-date evidence base about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest will be discovered in the future’.

Accordingly, in order to underpin the historic environment policies, the Council has in-place an up-to-date evidence base available in various forms:-

- Dudley’s Historic Environment Record (HER);
- Black Country Historic Landscape Characterization (BCHLC);
- Borough-wide Urban Historic Landscape Characterization (UHLC);
- Urban Historic Landscape Characterization (UHLC) for the Glass Quarter and for the four principal town centres of Brierley Hill, Dudley, Halesowen, and Stourbridge;
- Conservation Area Character Appraisals;
- List of Buildings of Local Historic and Architectural Importance (the Local List);
- Township Maps;
- Dudley GIS-MO (Getting Information Simply – Mapping Online).

The above bullet point list is intended to be used to gain a proper appreciation of the local character and distinctiveness of Dudley borough, and when used in combination with the planning policies will assist in positive place making. This list is by no means
exhaustive and is being added to and updated on a regular basis. A brief summary of each of the above is described further below.

**Dudley’s Historic Environment Record (HER)**

Paragraph 169 of the NPPF states that local planning authorities should either maintain or have access to a Historic Environment Record (HER). The Historic Environment Service maintains and manages the Historic Environment Record (HER) for the borough which is an electronic, map-based, indexed database of all known heritage assets in the Borough. It is the primary source of information about the local historic environment within the administrative boundary of Dudley Council and it is one of over 85 such HERs located in England. It is a continuously expanding resource providing a record of all heritage assets and interventions within the borough and includes all known archaeological sites, excavations, find spots and historic buildings, monuments and landscapes.

Using a GIS based platform called the Historic Buildings, Sites and Monuments Record (HBSMR), multiple sources of data about various aspects of the historic environment are brought together. The HBSMR indexes available ‘sources’ (documents, books, articles, etc) held by the HER and by other organizations, and it holds extensive supporting collections of photographs, survey reports and plans and a growing library of unpublished ‘grey literature’ reports mainly generated by the planning process.

The HER is a valuable and comprehensive resource which is used extensively by a wide range of people including officers from many different parts of the Council, planning consultants, land searches, academic researchers, developers, schools and members of the public. Furthermore, the HER is the starting point for providing advice in respect of development proposals affecting any aspect of the historic environment.

Nearly two-thirds of England’s HERs are available online through the Heritage Gateway website – including that for Dudley borough. The Heritage Gateway is available at: [http://www.heritagegateway.org.uk/gateway/default.aspx](http://www.heritagegateway.org.uk/gateway/default.aspx)

Information from the Dudley HER can also be obtained directly from the Historic Environment Service particularly in respect of planning related enquiries and data in response to both site-specific and area-based queries. Further information can be found at: [http://www.dudley.gov.uk/resident/planning/historic-environment/historic-environment-record/](http://www.dudley.gov.uk/resident/planning/historic-environment/historic-environment-record/)
Black Country Historic Landscape Characterisation (BCHLC) – 2009

Figure 5: The 2009 Black Country Historic Landscape Characterisation (BCHLC)

As part of a national programme supported and funded by Historic England, Historic Landscape Characterisation (HLC) has been undertaken for the whole of the Black Country area. This 2009 Study analyses and records the origins and development of the modern landscape covering the areas of Dudley, Sandwell, Walsall and Wolverhampton. The BCHLC aims to be a tool in understanding the existing landscape by placing it firmly in a context of the historical development of its constituent parts. The purpose of producing this is to assist with the sensitive management of the built environment in the future and to inform the local authorities’ Black Country Core Strategy.

As the adjacent figure illustrates, the BCHLC identifies a number of Character Areas across the Black Country, ten of which are within Dudley Borough. The level of detail is intentionally broad and strategic.

A copy of the Black Country HLC can be found at:
http://archaeologydataservice.ac.uk/archives/view/blackcountry_hlc_2009/

Borough-wide Urban Historic Landscape Characterization (UHLC) – 2016

In support of the Dudley Borough Development Strategy a Borough-wide UHLC exercise was undertaken. It contains the Dudley Borough Landscape and Townscape Character Study which provides an analysis of the natural landscape of the borough in terms of geology, hydrology, topography and ecology. This UHLC identifies 8 broad major Character Areas as follows - A491 Corridor, Limestone Ridge, Illey & Lutley, Stour Valley, Pensnett Chase, Coseley Corner, Hill & Cakemore, and Pedmore Common.

The UHLC contains a slightly more intensive assessment of the Regeneration Corridors identified in the Black Country Core Strategy, including that field work was undertaken with the overarching objective of identifying areas felt to be of high...
historic townscape value and landscape value. This field work also included a consideration of Archaeological Priority Areas, particularly notable heritage assets and a broad review of existing and potential Conservation Area designations.

The Borough-wide UHLC provides an up-to-date evidence base for the Dudley Borough Development Strategy and is to be used by strategic planners, urban designers, intending developers and others to gain a proper appreciation of the local character and distinctiveness of the borough.

A copy of the Borough-wide UHLC can be found at the following link: http://www.dudley.gov.uk/resident/planning/historic-environment/historic-landscape-characterisation-hlc/

Urban Historic Landscape Characterization (UHLC) Studies – for Brierley Hill, Dudley, Halesowen, Stourbridge and the Glass Quarter

The BCHLC and the Borough-Wide UHLC are then further complemented within Dudley Borough by a number of more detailed Historic Landscape Characterisation studies for the four principal town centre’s covered by Area Action Plans - Brierley Hill, Dudley, Halesowen and Stourbridge. Assessment was also undertaken in relation to the land covered by Amblecote, Audnam and parts of Wordsley where survey work supported the production of the ‘Glass Quarter’ SPD. These more detailed and intensive historic characterisations/area appraisals clearly define the local historic environment of these particular parts of the borough, and a map showing their respective study boundaries is available at Appendix 2.

Conservation Area Character Appraisals and Management Plans

Additionally, assessment of the Borough’s 22 Conservation Areas is set out within their individual Conservation Area Character Appraisals.

Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on Local Planning Authorities to designate as Conservation Areas “any areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.” The act also places a duty on local authorities to review the extent of conservation area designation within their districts. Section 69 also imposes a duty on local planning authorities “from time to time, to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts and to consult the local community about these proposals”

In accordance therefore with the above and with the best practice provided by English Heritage in their publication ‘Conservation Area Designation, Appraisal and Management’ (2016) (Historic England Advice Note 1) Dudley Council has a number of published Conservation Area Appraisals and Management Plans which each describe the main features of special architectural and historic interest which contribute to the character and appearance and justify the designation of each Conservation Area.
For the Conservation Areas that do not yet have an up-to-date appraisal in place, the Council is committed to delivering a rolling, phased programme of conservation area appraisals across the borough so that all 22 Conservation Areas eventually have an up-to-date appraisal. Further information on the Conservation Area Appraisals within Dudley Borough can be found on the Council’s website at: http://www.dudley.gov.uk/resident/planning/historic-environment/conservation-areas/

**List of Buildings of Local Historic and Architectural Importance (the Local List)**

There are currently upwards of 300 buildings and structures in Dudley borough that do not meet national criteria for statutory listing but which remain locally significant and are therefore worthy of protection and conservation in their own right. Dudley Council has produced and adopted a ‘Local List’ of such buildings and structures, based on the contribution they make to the character and distinctiveness of the Borough’s townscape and landscape.

The Dudley Local List is available on Dudley Council’s website at: http://www.dudley.gov.uk/resident/planning/historic-environment/locallist-atoz/

**Township Maps (circa 1750)**

The borough is composed of historic townships which were sub-divisions of the ecclesiastical and civil parishes. Most of them owe their origins to the settlements that took place in the early to mid Anglo-Saxon period and are therefore well over 1,000 years old. All the place-names are Early English (Anglo-Saxon).

This series of interpretive maps cover the 39 individual Townships which existed within the borough circa 1750. They have been compiled using various historic maps and many other associated documents by Dudley Council’s Historic Environment Officers. A summary map of these Townships is available at: http://www.dudley.gov.uk/resident/planning/historic-environment/historic-maps-of-dudley/

**Dudley GIS-MO (Getting Information Simply – Mapping Online)**

The Council provides an interactive geographical information system which is freely available and allows members of the public to view a range of information layers including historic mapping and aerial photography - for more information please click on the following link: http://gismo.dudley.gov.uk/public/historic/locateform.asp
Chapter 5 – Assessing Proposals affecting all Heritage Assets or their Setting

Approach

Local planning authorities make most of the decisions regarding change to heritage assets through the planning process. When considering an application affecting a heritage asset or its setting Dudley Council will consider the proposal to ensure that the significance of the heritage asset, together with its setting, is not detrimentally affected.

The historic environment policies within Dudley’s Local Plan all have the same underlying principle and are clear that the effect of a development on any heritage asset or its setting will be a material consideration in determining any planning application.

Proposals can impact on the significance of heritage assets either directly (through direct physical impact on historic fabric, archaeological features/deposits) or indirectly (e.g. through impacts on the setting of a heritage asset). The impact can result in positive or negative changes and may result in a permanent or temporary impact on the physical fabric or form of the heritage asset and/or the landscape context within which it is appreciated.

The NPPF identifies two levels of harm to the significance of designated heritage assets: substantial and less than substantial. Substantial harm has been defined through recent case law as comprising a total or near total removal of significance. With respect to non-designated heritage assets, paragraph 135 of the NPPF requires a balanced judgement, having regard to the scale of harm or loss and the significance of the heritage asset.

The first step therefore in assessing the potential for a proposal to have an effect on a heritage asset is to evaluate the values of significance of the asset and its sensitivity to change. Historic England’s guidance document ‘Conservation Principles: Policy and Guidance’ (2008) provides a methodology for assessing the significance of a heritage asset by establishing an understanding of its ‘heritage values’. This is available at:


Assessment of significance, on a UK wide basis is covered also in Part 4 of the British Standard 7913:2013 Guide to the Conservation of Historic Buildings.

What is meant by ‘significance’ and ‘heritage values’?

The NPPF defines ‘significance’ of a Heritage Asset as:-

‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.'
Significance derives not only from a heritage asset’s physical presence but also from its setting’ (NPPF, Annex 2 Glossary, page 58).

The significance of an asset relates to the importance given to that particular heritage asset. Its significance can be defined by its worth and importance, which may be different for each type of heritage asset. When examining the significance of an asset the questions to consider are: what makes an asset have significance? And how could that significance be affected?

Historic England’s guidance document “Conservation Principles: Policy and Guidance” provides a methodology for assessing the significance of heritage assets by establishing an understanding of their ‘heritage values’. These ‘values’ can be summarised as follows:-

**Table 8: Heritage Values**

<table>
<thead>
<tr>
<th>Evidential Value</th>
<th>This relates to the ability of the physical fabric of an asset to yield evidence about past human activity. Evidential value is about research potential and the opportunity to discover things about a place that we did not know before.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historical Value</td>
<td>This consists of the ‘...ways in which past people, events and aspects of life can be connected through a place to the present.’ This can be illustrative, whereby an asset will illustrate certain aspects of history or prehistory and provide a perceptual link for people between the past and present. Historical value can also come from association with a notable person, family, movement or event. Historical value is about the narrative or story of a place (telling stories and using the places themselves to support the story) and connecting people in the present with the past.</td>
</tr>
<tr>
<td>Aesthetic Value</td>
<td>This value derives from the way in which people can derive sensory and intellectual stimulation from an asset. It can come from design, where it results from the ‘aesthetic qualities generated by the conscious design of a building, structure or landscape as a whole.’ In relation to a building it may result from it being attributable to a notable patron, architect or designer or as a consequence of being ‘...a mature product of a vernacular tradition of building’. Aesthetic value may also be fortuitous as an ‘...outcome of the way in which a place has evolved and been used over time’. Aesthetic value is about something that provokes an emotional response - the power of places to evoke emotional responses in people makes a contribution to human experience. Aesthetic value can be as regards a designed building, structure or group, but can also be fortuitous – for example an area developed over time creating an aesthetically pleasing streetscape.</td>
</tr>
<tr>
<td>Communal Value</td>
<td>This comprises the meanings an asset has for people who relate to it, or for whom it plays a role in their collective experience and memory. It can be commemorative, symbolic or spiritual, in the sense that people draw part of their identity and/or have emotional links to it, or because of its links to religious beliefs and teachings. It can also be social because it is ‘...associated with places that people perceive as a sources of identify, distinctiveness, social interaction and coherence. Communal value is about the meanings attached to places by people. Places which hold a collective memory, the place bringing people together to create or reinforce community</td>
</tr>
</tbody>
</table>

Source: Historic England

The significance of a heritage asset is the sum of the above four parts and its heritage interest may be archaeological, architectural, artistic or historic. Current
national heritage policy is led by this concept of ‘significance’ - understanding what makes a heritage asset of national or local importance of value and using this to determine whether the impacts of a proposal are acceptable or unacceptable are based on the degree of harm (if any) that a proposal might have on the significance of the heritage asset.

Historic England’s document ‘Historic Environment Good practice in Planning 2: Managing significance in Decision-Taking in the Historic Environment’ (March 2015):- https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/ makes it clear that Conservation Principles provides a valid methodology for assessing significance. These, coupled with the above heritage values, underpin the process of managing change and inform the decision-making process within the historic environment, and is what will be used when applying the Council’s Historic Environment policies contained within Dudley’s Local Plan.

Once the significance of a heritage asset is understood, it should become clear whether and to what degree repair, alteration, extension, excavation or demolition would harm, maintain or enhance the heritage asset and/or its setting.

**What is setting and how is it affected?**

The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting. The NPPF Annex 2 Glossary defines ‘setting’ as: ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’

The policies contained within the historic environment chapters of Dudley’s Local Plan all make reference in some form or other to the importance of setting and context and they expect careful management of change within the surroundings of heritage assets. The setting or context in which a heritage asset is viewed will in most cases affect the asset’s significance also. It will change according to differences in viewpoint, weather and time and is usually made up of visual relationships with other heritage assets, which can sometimes stretch for long distances depending on the nature of the asset and the landscape within which it was designed or is appreciated. Setting contributes to significance and the effects of a proposal can have the potential to enhance as well as harm the significance of the asset.

Historic England’s Historic Environment Good Practice Advice Note: The Setting of Heritage Assets (GPA 3) explains the concept of setting and provides clear advice on how to address and respond to setting issues. Applicants are expected to use this document when formulating proposals and to ensure successful compliance with the Council’s policies: https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/
Views and Tall Buildings

Views also form an important part of understanding setting. The policies contained within the historic environment chapters of the Dudley Local Plan all make some form of reference to the importance of views. Dudley Borough Development Strategy (DBDS) Policy S12 (Areas of High Historic Townscape Value) for example states ‘Proposals will not be permitted if they fail to respond adequately to the character and context of an AHHTV or prejudice significant views into, out of or within an AHHTV...’. Other of Dudley Council’s Historic Environment policies are similarly worded.

Historic England’s advice note ‘Seeing History in the View’ (May 2011) presents a method for understanding and assessing heritage significance within views. The method can be applied to any view that is significant in terms of its heritage values: https://www.historicengland.org.uk/images-books/publications/seeing-history-view/

The Historic England advice Note 4 ‘Tall Buildings’ (Dec 2015) sets out good practice in dealing with proposals that contain tall buildings and is of importance when considering setting: https://www.historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/

Again, applicants are expected to use these guidance documents when formulating proposals to ensure successful compliance with the Council’s Historic Environment policies.

What is Local Distinctiveness?

The term ‘local character and distinctiveness’ is referenced heavily throughout the NPPF and Dudley’s Local Plan - in particular DBDS Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) which states ‘All development proposals within the Dudley Borough should take account of the locally distinctive character of the area in which they are to be sited’, and DBDS Policy S11 (Buildings of Local Historic or Architectural Importance).

Local distinctiveness brings together all of the features, qualities and details that give different places their unique character and appearance. To ensure that historic assets make a positive contribution towards the wider economic, social and environmental regeneration of the borough, it is important that they are not considered in isolation but are conserved and enhanced within their wider context. An holistic approach to the built and natural environment maximises opportunities to improve the overall image and quality of the borough by ensuring that historic context informs planning decisions and provides opportunities to link with other regeneration initiatives.

The NPPF places great importance on achieving high quality design in all new development, and for new development to respect the local character wherever it takes place - NPPF Paragraph 58 requires new development to ‘function well and add to the overall quality of the area’ and to ‘respond to local character and history and reflect the identity of local surroundings’.

Considerable progress has been made by Dudley Council in achieving a fuller analysis and understanding of the local character and distinctiveness of the borough by using historic landscape characterization (HLC) principles. This and all of the
other data available can be used to help understand the local character and distinctiveness of a given area or heritage asset and should be used by applicants when formulating their proposals.

Dudley has a varied topography and different types and sizes of development. This has been clearly illustrated in the various Historic Landscape Characterization documents published by Dudley Council where different character areas/zones have been identified throughout the borough. In Halesowen for example fourteen different character zones were identified and provided with a summary description of their townscape, architectural and historic character and archaeological potential.

What is clear is that there is no ‘one size fits all’ approach to the design or suitability of new development across the borough - new development should respond to the distinctive place it is in. An example of this is given at Appendix 4a (4-16 Upper Ettingshall Road, Coseley).

**Achieving Locally Distinctive Design**

Locally distinctive design should be employed in both historic and non-historic areas. Local distinctiveness should apply to all forms of development, including from an house extension through to major new housing sites. The aim is create places that people will value and take pride in rather than achieving the basic standards of amenity, safety and utility. Development proposals that affect the historic environment are much more likely to gain the necessary permission and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect and respond well to local context. The Council encourages good contemporary design. New building form could deviate from traditional form if the position of a building, its mass and scale, and the spaces around it respect local character.

It is important that new buildings reinforce the character of the area and successfully co-ordinate proportions, materials, colours and details.

Unsuitable choice and application of materials, inconsistent use of proportions, displeasing arrangement of openings and inappropriate detailing can all result in development of poor design which would not be acceptable.

The first step to achieving locally distinctive design is to apply the **Building in Context Toolkit** - a systematic and consistent process that has been devised by Historic England and CABE to encourage the high quality and inclusive design of new development, particularly in historically sensitive locations, to ensure it responds to its context. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal to fully understand context.

The first step towards achieving a locally distinctive and sustainable development (and thereby complying with the Council’s policies) is therefore to apply the eight **Building in Context Principles** which are set out in the table below:-
Table 9: Building in Context Principles

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principle 1</strong></td>
<td>A successful project will start with an assessment of the value of retaining what is there. (Start with checking the Historic Environment Record, seek advice from the Local planning authority on whether a more detailed Heritage Statement is required).</td>
</tr>
<tr>
<td><strong>Principle 2</strong></td>
<td>A successful project will relate to the geography and history of the place and lie of the land. (Start with looking at the published material such as the Borough-wide Urban Historic Landscape Characterization, Conservation Area Appraisals etc)</td>
</tr>
<tr>
<td><strong>Principle 3</strong></td>
<td>A successful project will be informed by its own significance so that its character and identity will be appropriate to its use and context.</td>
</tr>
<tr>
<td><strong>Principle 4</strong></td>
<td>A successful project will sit happily in the pattern of existing development and the routes through and around it.</td>
</tr>
<tr>
<td><strong>Principle 5</strong></td>
<td>A successful project will respect important views.</td>
</tr>
<tr>
<td><strong>Principle 6</strong></td>
<td>A successful project will respect the scale of neighbouring buildings.</td>
</tr>
<tr>
<td><strong>Principle 7</strong></td>
<td>A successful project will use materials and building methods which are as high quality as those used in existing buildings.</td>
</tr>
<tr>
<td><strong>Principle 8</strong></td>
<td>A successful project will create new views and juxtapositions which add to the variety and texture of the setting.</td>
</tr>
</tbody>
</table>

Source: Historic England and CABE

Applicants that apply the above eight Building in Context principles when formulating their proposals are more likely to have success with complying with the requirements of the Council’s Local Plan policies.

**What is a Heritage Assessment?**

The most efficient way of assessing the potential for a proposal to have an effect on a heritage asset is by undertaking an heritage assessment, and the recognized way of doing this is in the form of a ‘Heritage Statement’ where a statement of significance can be set out.

NPPF Paragraph 128 expands on this by stating: ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’.
This is further supported by the policies contained within the Council’s Local Plan which all make some form of reference to heritage statements. A heritage assessment should provide sufficient information to enable the Council to make informed decisions about any potential impacts upon the significance of a heritage asset and its setting.

A Heritage Assessment will have three primary aims:
- To describe and assess the significance of any heritage assets that will be affected by a development proposal, including any contribution to that significance made by the assets setting;
- To assess the potential impact upon and any resultant harm to the significance of heritage assets that may arise from the development proposal;
- To identify any opportunity for a development proposal to positively enhance the significance of a heritage asset.

The requirement to identify the potential impacts on the significance of the heritage assets should have regard to NPPF paragraph 128, the Government’s Planning Practice Guidance website as to ‘conserving and enhancing the historic environment’ (available at https://www.gov.uk/government/collections/planning-practice-guidance) and the guidance within Historic England Good Practice Advice Notes 2 and 3: Managing The Setting of Heritage Assets (March 2015) and Seeing the History in the View (May 2011). More information about Heritage Assessments and their format is available on Dudley Council’s website at: http://www.dudley.gov.uk/resident/planning/historic-environment/

Paragraph 128 of the NPPF is clear that the level of detail required to accompany a proposal should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In view of this it is essential therefore that early pre-application discussion is undertaken with the local planning authority in order to ascertain the level and type of assessment that will be required - particularly as some assessments may need to be undertaken before the registration and or determination of the planning application (this is particularly the case with heritage assets with archaeological interest).

Tower Street, Dudley – an archaeological evaluation was undertaken in advance of a planning application being submitted to the Council in order that the extent of the surviving archaeological remains could be understood prior to formulating proposals for the development.
As a minimum the relevant historic environment record should have been consulted along with any relevant published material such as the Borough-Wide Urban Historic Landscape Characterization (see previous chapter ‘Finding Information about Dudley’s Historic Environment’). The type of proposal and the potential impact upon the heritage asset in question will determine the type of assessment which will need to be undertaken.

**Methods of Assessment that may be required**

A Heritage Assessment could comprise a variety of supporting documents to accompany an application for planning permission or listed building consent - in some cases a Historic Environment desk-based assessment will be required, and in other instances a Historic Building Assessment will be necessary.

NPPF Paragraph 128 states that where a proposed development site is known to hold archaeological interest, or is deemed to hold a sufficient level of archaeological potential, local planning authorities should require a developer to submit an appropriate desk-based assessment and where necessary a field evaluation. DBDS Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) sets out the types of assessment that may be required.

**Desk-based Assessments** are defined by the Chartered Institute for Archaeologists as ‘a programme of study of the historic environment within a specified area or site on land, the inter-tidal zone or underwater that addresses agreed research and/or conservation objectives. It consists of an analysis of existing written, graphic, photographic and electronic information in order to identify the likely heritage assets, their interests and significance and the character of the study area including appropriate consideration of the settings of heritage assets and, in England, the nature, extent and quality of the known archaeological, historic, architectural and artistic interest’

**Field Evaluations** are defined by the Chartered Institute for Archaeologists as ‘a limited programme of non-intrusive and/or intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site on land, inter-tidal zone or underwater’.

A field evaluation can be sub-divided into two types of methodology:

1. **Non-destructive** - approaches which have little, if any physical impact; and
2. **Destructive** - approaches which have a direct physical impact on archaeological remains.

The non-destructive methods include:-

- **Geophysical Survey** - non-intrusive technique that allows physical properties of the ground sub-surface to be measured thereby enabling the presence of anomalies with archaeological potential to be identified;
- **Remote Sensing** - comprises a range of archaeological imaging techniques that include aerial photography, airborne and ground based light detection and ranging (Lidar) and laser scanning;
Earthwork or Landscape Survey - for larger archaeological landscapes or sites where archaeological earthworks are known or suspected to be present. This may comprise a rapid walkover survey or more detailed survey;

Building Survey – for where works to historic buildings/structures are potentially complex such that various phases of recording and assessment are required;

Landscape and Visual Impact Assessment (LVIA) - a qualitative visual assessment in the form of LVIA with Accurate Visual Representations (AVR).

The destructive methods include:-

Trial trenching – comprises the excavation of trenches, either by hand or machine to investigate and assess any underlying archaeological features, structures or deposits. The sampling strategy and size to be adopted will vary upon a variety of factors;

Test pitting – excavation of test pits, either by hand or machine. This technique may be used for sites which are constrained and prevent the use of full trial trenching, and it may be used in combination with other ground investigations such as geotechnical trial pits being excavated under archaeological supervision;

Field walking – the systematic collection and recording of artefact distributions across a given area. It is typically used on agricultural land that is subject to regular ploughing and cultivation;

Auguring/sediment coring – auguring can be used to rapidly establish the depth of archaeological features and deposits which are not accessible to other evaluation techniques. Sediment coring may provide samples that enable an assessment to be made on buried sites, land surfaces and organic deposits that may hold environmental information.

Those preparing a Heritage Assessment for a development site with archaeological interest will be expected to hold an appropriate level of expertise and experience, and should adhere to the relevant Codes, Standards and Guidance issued by the Chartered Institute for Archaeologists (CIFA) which are readily available from its website:- [http://www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa).

Some projects may need more than one instance of specialist/expert input in the preparation of a Heritage Statement. There are several established bodies which have registers that can be used to identify appropriately qualified specialists or organisations depending on the nature of the project:-

- Architects Accredited in Building Conservation;
- The Institute of Civil Engineers and the Institution of Structural Engineers;
- The Institute for Conservation (ICON);
- The Institute of Historic Building Conservation (IHBC);
- The Royal Institute of British Architects (RIBA);
- The Royal Institution of Chartered Surveyors (RICS);
- The Royal Town Planning Institute (RTPI).

The relevant and best practice documents relating to each of the above methods are set out at Appendix 3, and all Written Schemes of Investigation (WSI) or Project Designs will need to be agreed by the local planning authority.
The following flowchart illustrates the process for determining archaeological significance on a potential development site and the level of mitigation required, this information is also available on Dudley Council’s Historic Environment – Archaeology webpage available at: http://www.dudley.gov.uk/resident/planning/historic-environment/archaeology-

**Figure 6: Determining Archaeological Significance**

[Flowchart diagram]

**Making Changes to Heritage Assets**

Dudley Borough Development Strategy (DBDS) Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness), S9 (Conservation Areas), S10 (Listed Buildings) and S11 (Buildings of Local Historic or Architectural Importance) all have the clear intention of ensuring that change to a heritage asset is carefully and sympathetically managed. Additional guidance on this can be found in Historic England Advice note 2 (2015) ‘Making Changes to Heritage Assets’ available at: https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/ . This should be used along with Historic England's Conservation Principles (2008) when formulating proposals.
Key Principles

Guidance on making changes is applicable to all heritage assets whether they are designated or not and the key principles are as follows:-

- **Understand the buildings character and appearance** as this will aid in understanding the overall significance of the historic building. The character of the building (e.g. scale, form, height, historic use) and its appearance (e.g. the materials, eaves, details, fenestration, windows and door details and roofscape) will often provide a general indication of what changes would be aesthetically harmful or harmonious;

- **Understand the buildings significance**. What is special about this heritage asset? Is it of historic, architectural, archaeological or artistic interest? How would changes to the building affect this interest? Is it possible to avoid or minimise harm to this interest?

- **Understand the building’s setting**. The building may potentially have an important or long established relationship with its curtilage, setting or the wider townscape or landscape. This might be reflected in the building’s siting, orientation and the positions of the principal openings and rooms;

- **Obtain appropriate advice**. Depending on the nature and extent of the works or the significance of the heritage asset involved, it is advisable and in some cases necessary to obtain the services of an appropriately qualified and experienced professional (e.g. Heritage Consultant, Conservation Architect);

- **Consider the wider implications**. Most works to buildings will be subject to the Building Regulations, and if statutory listed, Listed Building Consent will be required. Depending on the scheme, the objectives of the Equality Act may also need to be considered. A proposal which takes these matters into consideration and balances them against the significance of the heritage assets is more likely to be accepted.

The key guiding principles for the local authority when making an assessment on a proposed scheme will be based on Historic England’s Conservation Principles 2008, to:-

- **Consider whether sufficient information has been provided in support of the proposals** – see paragraphs 89 to 90 of Historic England’s Conservation Principles;

- **Consider the effects on authenticity and integrity**. This is covered in paragraphs 91 to 95 of Historic England’s Conservation Principles;

- **Take account of sustainability**. This is covered extensively by the NPPF and paragraphs 96 to 99 of Historic England’s Conservation Principles;

- **Consider the potential reversibility of changes** – It is desirable that changes are capable of being reversed in order to not unduly prejudice options for the future;

- **Compare options and make the decisions**. Ideally proposed changes will cause no harm to any of the values and the right decision will be clear. However in practice there tends to be options for achieving the objective of proposed change each of which have different impact on values. The predicted long-term or permanent consequences of proposals (in terms of degree and whether positive, negative or neutral) on each of the identified heritage values of place and thus on the significance of the whole will provide the reasoned basis for a decision, where
necessary taking other interests into account. Heritage Impact Assessments will prove of great assistance when assessing proposals;

- Consider the application of suitable mitigation. If some negative impact or loss of fabric is unavoidable, mitigation should be considered to minimise harm.

With regard to the principles that are to be applied when determining the effect on historic townscape, landscape, areas and places (Conservation Areas, Areas of High Historic Townscape Value, Areas of High Historic Landscape Value etc) the earlier section on ‘Achieving Locally Distinctive Design’ is to be referenced.

Where change is proposed to a heritage asset it can usually be characterized as one of the following:

- Repair and maintenance
- Alteration and Extension
- Demolition

Each of the above are dealt with in turn below:

**Repairs and Maintenance**

Maintenance can be defined as ‘routine work necessary to keep the fabric of a place in good order’ (Conservation Principles 2008).

The main objective is to limit deterioration. Inspections carried out at regular intervals coupled with prompt action to pre-empt or remedy problems are the basis of effective maintenance. Maintenance is cost-effective and owners of historic buildings are encouraged to have drawn up a Maintenance Plan:-


Repair can be defined as ‘work beyond the scope of maintenance, to remedy defects caused by decay, damage or use including minor adaptation to achieve a sustainable outcome, but not involving alteration or restoration’ (Conservation Principles, 2008).

Repair is normally carried out to sustain the significance of the building or place. Equally important in most cases is keeping the building in use which is the best way to safeguard its future. For more information on the key guiding principles to repair please click on the following link:- [https://historicengland.org.uk/advice/technical-advice/buildings/maintenance-and-repair-of-older-buildings/principles-of-repair-for-historic-buildings/](https://historicengland.org.uk/advice/technical-advice/buildings/maintenance-and-repair-of-older-buildings/principles-of-repair-for-historic-buildings/)

It is essential when embarking on the repair of a heritage asset that the applicant and their appointed contractors are fully conversant with the importance of using the correct materials (such as Lime, Lead, etc) so the historic building can continue to breathe as it should.

The Society for the Protection of Ancient Buildings (SPAB) have published numerous Technical Pamphlets, Guides and Information Sheets for all the various types of activities and repairs one is likely to need to make to a heritage asset. Their Technical Pamphlets ‘Re-pointing Stone & Brick Walling’, ‘The Control of Damp in
Old Buildings’, and ‘The Care and Repair of Old Floors’ are especially useful, as are their various Information Sheets which cover topics such as the need for old buildings to breathe, removing paint from old buildings, timber treatment, etc. To view all of the available publications from SPAB please click on the following link: https://www.spab.org.uk/online-shop/the-bookshop/?sSubCategory=Information%20Sheets?url=online-shop%2Fthe-bookshop%2F&sSubCategory=Information+Sheets&viewpage=2

The SPAB website also has a very useful ‘Questions and Answers’ page which covers the frequently asked technical questions on the repair and maintenance of old buildings:- https://www.spab.org.uk/advice/technical-q-as/

Further information and advice about maintenance of historic properties and the long term financial benefits of doing so are also available in the Institute for Historic Building Conservation (IHBC) publication ‘A Stitch in Time’ prepared in association with SPAB:- http://ihbc.org.uk/page55/ihbc_publications/index.html

The Georgian Group, Victorian Society, Twentieth Century Society, Ancient Monuments Society, and the Council for British Archaeology also have a wealth of very useful advice leaflets that should be consulted depending on the type of project being proposed – for example please see the following web pages:
https://georgiangroup.org.uk/pages/advice-leaflets
http://www.victoriansociety.org.uk/publications/

Alterations and Extensions to Heritage Assets

DBDS Policies S9 (Conservation Areas), S10 (Listed Buildings) and S11 (Buildings of Local Historic or Architectural Importance) all make specific reference to the alteration and extension of heritage assets. In the instance of Policies S10 and S11 the alterations and extensions described will be to the heritage asset itself (the statutory listed or locally listed building). On the other hand and as regards DBDS Policies S9 (Conservation Areas), S12 (Areas of High Historic Landscape Value), S13 (Areas of High Historic Landscape Value) and S14 (Registered Parks and Gardens and Designed Landscape of High Historic Value) the alteration could be to a view into or out of the area or the erection of a new form of development that will alter the character or appearance of the townscape/landscape.

The aim of these policies, irrespective of the type of alteration proposed, is to ensure that the change is accommodated in a manner that does not harm the character and appearance of the heritage asset or harm its significance.

The external appearance of a heritage asset or its built form is a direct result of its original or historic use, either as a building or as a place, and the prevailing architectural fashions and building technologies of the time. Accordingly the traditional appearance of a heritage asset should be respected in the design of alterations and extensions. The internal layout of a heritage asset (the scale, footprint, proportions of rooms, historic features, details and decoration) also make an important contribution to the overall interest of the heritage asset - this is
particularly the case for statutory listed buildings where there is much more control over internal alterations.

Poorly designed alterations and extensions can damage the character and appearance of a heritage asset to such an extent that it results in the complete loss of its original character and appearance. Similarly, poorly designed adaptations of a heritage asset (for example inserting wall insulation) can also significantly harm the significance of a heritage asset as it completely alters how the building performs and can lead to irreparable damage to historic fabric.

Alterations or extensions will always be seen in context with the original or historic details of the heritage asset, and it is therefore essential that new work does not stand out due to the poor quality or inappropriateness of its detailing.

**Alteration and adaptation of traditionally constructed buildings**

Dudley borough has a significant stock of buildings constructed prior to 1919 when cavity wall buildings became widespread. Prior to this date most buildings were of traditional construction with solid walls or solid frame constructions. A key characteristic of older buildings is the widespread use of ‘breathable (or ‘permeable’) materials, which are able to absorb moisture and release it again without damaging the building. By contrast, most modern buildings rely on materials that keep moisture out.

Maintaining the building’s ability to control moisture levels in this way is fundamental to its effective thermal performance. When looking after or making changes to a traditional building it is necessary to use materials that are compatible with it.

Retrofit is the process of improving the energy and environmental performance of buildings through technical interventions. A prime focus of retrofit is on reducing heat losses through building fabric (i.e. walls, doors, windows, floors and roof) thereby cutting heating costs, energy use and CO2 emissions. However the success of a retrofit depends firstly on understanding the building and its context in sufficient detail and depth, and it is covered in greater detail in the following Historic England guidance:-


By 2050 the Government’s vision is that the emissions footprint of our buildings will need to be almost zero. The majority of the buildings in Dudley borough will represent the existing stock and therefore to achieve energy savings this requires measures to be undertaken to existing buildings to improve their energy efficiency. Such measures can include insulating lofts, insulating solid walls internally, installing more energy efficient appliances, and installing thermally efficient windows and doors.

Historic buildings can be sensitive to the impact of retro-fitting measures which in many circumstances may be considered inappropriate. Typically these types of works may require planning permission and listed building consent.
Before contemplating any retro-fitting works to historic buildings a thorough understanding of the building’s performance such as thermal efficiency, moisture shedding and structural loading to floors should be ascertained. The fabric of traditional (historic) buildings needs to breathe to release and absorb moisture. Moisture can move through traditional permeable buildings until it evaporates internally or externally. Modern impermeable building materials can obstruct this process by trapping moisture within the historic building and thereby accelerating the process of decay.

Owners of historic buildings are advised to seek appropriate advice when contemplating alterations and repairs to historic buildings, and to seek out the most appropriate alterations and materials benefitting the heritage significance of the building – the following Historic England guidance is recommended: https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/

The Council seeks to support home owners and developers to find solutions that avoid or at least minimize harm to an asset’s significance while delivering improved performance or power generation. Detailed advice on how heritage assets can be adapted to new technologies or materials is set out in the below table:-

**Table 10: Energy Efficiency in Historic Buildings**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Guidance</th>
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<tbody>
<tr>
<td>Insulating roofs at rafter level/war roofs</td>
<td></td>
</tr>
<tr>
<td>Insulating flat roofs</td>
<td><a href="https://historicengland.org.uk/images-books/publications/eehb-insulating-flat-roofs/">https://historicengland.org.uk/images-books/publications/eehb-insulating-flat-roofs/</a></td>
</tr>
<tr>
<td>Insulating chimneys</td>
<td><a href="https://historicengland.org.uk/images-books/publications/eehb-open-fires-chimneys-flues/">https://historicengland.org.uk/images-books/publications/eehb-open-fires-chimneys-flues/</a></td>
</tr>
<tr>
<td>Open fires, chimneys and flues</td>
<td></td>
</tr>
<tr>
<td>Insulating timber-framed walls</td>
<td></td>
</tr>
<tr>
<td>Insulating solid walls</td>
<td><a href="https://historicengland.org.uk/images-books/publications/eehb-insulating-solid-walls/">https://historicengland.org.uk/images-books/publications/eehb-insulating-solid-walls/</a></td>
</tr>
<tr>
<td>Insulating windows and doors</td>
<td><a href="https://historicengland.org.uk/images-books/publications/eehb-draught-proofing-windows-doors/">https://historicengland.org.uk/images-books/publications/eehb-draught-proofing-windows-doors/</a></td>
</tr>
<tr>
<td>Draught-proofing windows and doors</td>
<td></td>
</tr>
</tbody>
</table>
## Insulating Dormer Windows

- [Books/Publications](https://historicengland.org.uk/images-books/publications/eehb-insulating-dormer-windows/)

## Insulating Floors

- **Insulation of Suspended Timber Floors**
  - [Books/Publications](https://historicengland.org.uk/images-books/publications/eehb-insulation-suspended-timber-floors/)

- **Insulating Solid Ground Floors**
  - [Books/Publications](https://historicengland.org.uk/images-books/publications/eehb-insulating-solid-ground-floors/)

## Renewable Energy

- **Small Scale Solar Electric (Photovoltaic) Energy and Traditional Buildings (Oct 2010):**
  - [Books/Publications](https://www.historicengland.org.uk/images-books/publications/small-scale-solar-electric-photovoltaics-energy/)

- **Small-Scale Solar Thermal Energy and Traditional Buildings (March 2008):**
  - [Books/Publications](https://www.historicengland.org.uk/images-books/publications/small-scale-solar-thermal-energy-and-traditional-buildings/)

- **Solar Electric (Photovoltaic) Panels and Slates on Listed Places of Worship (Sept 2012):**
  - [Books/Publications](https://www.historicengland.org.uk/images-books/publications/se-panels-pow/)

- **Heat Pumps (February 2013):**
  - [Books/Publications](https://historicengland.org.uk/images-books/publications/eetb-heat-pumps/)

- **Micro Wind Generation and Traditional Buildings (Oct 2010):**
  - [Books/Publications](https://historicengland.org.uk/images-books/publications/micro-wind-generation-and-traditional-buildings/)

- **Micro-Generation in the Historic Environment (June 2008):**
  - [Books/Publications](https://historicengland.org.uk/images-books/publications/microgeneration-in-the-historic-environment/)

- **Wind Energy and the Historic Environment (2005):**

## Extensions

DBDS Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness), S9 (Conservation Areas), S10 (Listed Buildings) and S11 (Buildings of Local Historic or Architectural Importance) all make some form of reference to applications that propose the extension of a heritage asset and the materials selected to undertake this.
It is important to ensure that the overall massing (general shape and bulk) of the extension is appropriate to its context and that the combination of the existing building and extension create a pleasing composition.

Scale

- It would rarely be acceptable for the extension and alteration of a building to be so numerous or large in scale that the historic fabric is dominated by later work or new work;
- In most cases the original/historic volume, footprint and form of the historic building should be clearly legible and should be the most dominant part of the building by virtue of its scale, bulk, height and massing.

Form

- Extensions should respect the form of the historic building. This should normally mean that roof shapes should be replicated in extensions, although there may be instances where an alternative roof form can be of merit - for example a mono pitch or flat roof to an appropriately designed contemporary extension, or as a means of reducing the overall mass and bulk of an otherwise coherent extension;
- The aim should be for the new to achieve visual harmony with the old regardless of whether the new is ‘traditional’ or ‘contemporary’ in style.

Appearance

- The details should be appropriate to the building type such as agricultural, industrial, commercial or residential, and should be detailed in a manner that reflects its historic or original use and character;
- The external appearance of an extension should have suitably proportioned fenestration which appropriately balances the elevations.

Materials

DBDS Policies S9 (Conservation Areas), S10 (Listed Buildings) and S11 (Buildings of Local Historic or Architectural Importance) all make reference to the alteration and extension of heritage assets and to the importance of selecting appropriate materials.

For extensions, the palette of materials and the manner in which they are applied should respect the character of the heritage asset. The aim should be for either a close match where a ‘traditional’ approach is being used, or for the use of materials that harmonise with traditional materials where a contemporary approach is being used. Examples follow:

**Traditional example** – where new brick has been selected that is a good match to the original brick not only in terms of colour, texture and finish but also in terms of size (certain brick manufactures can provide new bricks that are imperial in size) – this new brick being used
Historic Environment Supplementary Planning Document

*In the construction of a new extension.*

**Contemporary example** – *where a simple palette of materials has been selected to use in the new build elements added to the former Dudley fire station (now Dudley College).*

**Contemporary example** – *Former Foster and Rastrick Foundry, Lowndes Road, Stourbridge (now the Lion Medical Centre)* where single-storey side extensions have been erected using simple grey cladding and are connected to the Grade II* listed building with a simple glazed link. Note also the public art which is a reference to the original historic use of the building as an iron foundry.

Roofing materials can dictate the pitches of roofs, for example natural slate requiring a minimum pitch of 22.5 degrees whereas plain clay tiles require at least 35 degrees. In most cases cast stonework, reconstituted roof slates or concrete roof tiles will not be acceptable for use on extensions or as replacement materials to historic buildings. This is due to the likely differences in appearance and how reconstituted material will weather differently to natural material over time.

Rainwater goods should match the materials traditionally used and be of traditional section. For the majority of the borough’s historic building stock the rainwater goods will be cast iron. The Council may however accept on extruded aluminium or faux cast iron on non-listed buildings.

Historic materials should be retained and where necessary replaced on a ‘like for like’ basis. Any change of materials, for example a roof covering, would need to be justified by an overriding technical reason or evidence that different roof material had
been used historically. Timber, whether windows, doors or decorative joinery should be retained or replaced like for like where defective.

Traditional building materials allow vapour permeability, enabling the building to ‘breathe’. It is essential therefore that lime mortar is used for re-pointing historic brickwork and stone work.

Specific guidance is available providing a detailed steer on how best to manage change for specific types of development/heritage assets. Alteration of windows and doors is probably the most prolific act undertaken throughout the borough, and there are also the more site specific examples such as the conversion and alteration of traditional farm buildings and the alteration of shopfronts.

**Windows and doors**

Windows and doors are one of the major areas of focus for alteration and adaptation. A regular misconception is that traditional windows are not capable of being energy-efficient and that they should be replaced with modern materials such as uPVC. There are many improvements which can be made to the thermal performance of a window such as hanging heavy curtains, using draught strips, using shutters and installing secondary glazing. There is also a lot of misunderstanding regarding the repair of historic windows.

Historic windows of interest should be retained wherever possible using careful matching repair. Their complete replacement should be a last resort and is rarely necessary. If repair is beyond the skills of a good craftsperson a like-for-like copy should be made. If a building is Listed or in a Conservation Area with an Article 4 direction or is a non-domestic property, consent is required to make any alterations to windows. For further information about traditional windows and their care, repair and upgrading please refer to the following Historic England publication: https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/

Additional guidance on windows can also be obtained from the Georgian Group and Victorian Society websites at: https://cdn.shopify.com/s/files/1/1256/8627/files/The_Georgian_Group_Guides_N1_Windows-s.pdf?1787368107937793830
And: http://www.victoriansociety.org.uk/advice/windows/

Some windows do not contribute to the historic interest of a property and may even spoil its appearance. In these instances the local planning authority will encourage applicants to replace them with ones that match the historic design of the property. Old photographs or similar properties nearby may have examples of earlier windows. The Council will support the removal of non-historic windows provided it is clear that they are not of interest and that the new windows are of an appropriate style. It may be possible to fit new windows with integral double glazing subject to their detailed design.

With respect to new windows to a heritage asset or its extension the following window options should be avoided - poorly proportioned windows, outward opening
top hinged windows in place of sashes, storm casements, glazing bars planted between panes of glass, casements where the panes of openers are noticeably smaller than those of fixed panes, window styles which pre-date the building or aperture, windows that are flush or nearly flush with the face of the wall.

Alteration of Traditional Farm buildings

Traditional farm buildings are key features within parts of the borough and as such when schemes are being evolved for the conversion of traditional farm buildings the following Historic England publications should be consulted:-


Shopfronts

The detail, modelling and decoration of shopfronts are particularly valuable in the street scene. Proposals for shopfronts must be undertaken in accordance with the Council’s Shopfront SPD which can be found at the following link: http://www.dudley.gov.uk/resident/planning/planning-policy/local-plan/

Demolition

DBDS Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness), S9 (Conservation Areas), S10 (Listed Buildings) and S11 (Buildings of Local Historic or Architectural Importance) all make specific reference to demolition of heritage assets.

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly a non designated heritage asset a balanced judgment will be required having regard to the scale of any harm or loss to the significance of the heritage asset.

Applications proposing the demolition of a Heritage Asset would within the context of the NPPF result in the total loss of significance of the heritage asset. NPPF paragraph132 states ‘As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’. Paragraph 133 of the NPPF sets out what information would be required to justify substantial harm and total loss in respect of designated heritage assets and paragraph134 sets out what levels of justification is required for less than substantial harm to the significance of a designated heritage asset.
The Council’s Historic Environment policies are also clear that applications proposing demolition will be required to demonstrate that the viability of continued beneficial use, restoration or conversion has been fully investigated and that there are no reasonable alternatives. To assist applicants in compiling the necessary information, guidance is provided in the Historic England Good Practice Advice in Planning 2 ‘Managing Significance in Decision-Taking in the Historic Environment’: https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/

The National Planning Practice Guide sets this out what evidence is required in demonstrating that a heritage asset has no viable use: https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment

Adapting Dudley borough’s existing buildings to new uses can be the most environmentally sustainable option for development – saving the environmental costs associated with the disposal of demolition wastes, the production of new building materials, and the transportation of these wastes and new materials.

Developers proposing demolition are strongly advised to enter into early pre-application discussions with Dudley Council.

**Mitigation Measures**

Depending on the level of harm identified, in some instances mitigation methods may be deemed appropriate to offset any harm caused to the heritage asset/s by the development proposal. If a decision in principle is made to allow a proposal that would cause the loss of an asset (whether wholly or in part), the developer is required to record and advance knowledge and understanding of the significance of the asset or the relevant part of it in a manner proportionate to its importance and the potential impact of its loss (NPPF paragraph 141 refers).

Dudley Borough Development Strategy (DBDS) Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness), S9 (Conservation Areas), S10 (Listed Buildings) and S11 (Buildings of Local Historic or Architectural Importance) also make some form of reference to potential mitigation measures that may be required. Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset’s significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Typical mitigation measures could be as follows:

**Preservation in situ**

For heritage assets of archaeological interest ‘preservation in situ’ is a term regularly used. Where remains of acknowledged national importance are likely to be affected by development proposals, there will be a requirement to ensure that such remains are preserved in their current state. There are several ways in which this can be achieved:
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- By avoiding development in the area covered by the archaeological remains;
- By designing sensitive foundation systems that cause minimal damage to the remains;
- By the reuse of piles or existing foundations where possible.

There has been considerable research into methods of reducing the impact of modern foundation systems on fragile archaeological remains. It is now best practice for archaeologists to discuss foundation design with the Structural Engineers appointed for the development.

Archaeological Recording – ‘Preservation by record’

In many situations where archaeological remains have been encountered during the desk-based assessment and evaluation process but are considered to be of local or regional rather than national importance, it may be more appropriate to secure a programme of archaeological recording. This can take several forms:

- **Archaeological Excavation** – When it is not possible to employ preservation in-situ then it will be necessary to undertake full excavation to ensure the heritage asset is fully recorded before being permanently lost. An excavation is defined by the Chartered Institute for Archaeologists as ‘a programme of controlled, intrusive fieldwork with defined research objectives which examines, records and interprets archaeological deposits, features and structures and, as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site on land, inter-tidal zone or underwater;

- **Building Recording** – When intrusive works to a historic building have been agreed or when the partial or complete demolition of such a building has been accepted, it may be a requirement to undertake further recording of those parts of the building affected by the proposals. Any recording will be commensurate to the scale of the proposed alteration;

- **Monitoring of Construction Ground-works or ‘Watching Brief’** – When development is underway on-site and necessary ground works are being installed, an archaeological watching brief enables the preservation by record of archaeological deposits, the presence and nature of which could not be established in advance of development. An archaeological watching brief is defined by the Chartered Institute for Archaeologists as ‘a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area or site on land, inter-tidal zone or underwater, where there is a possibility that archaeological deposits may be disturbed or destroyed’. An archaeological watching brief was utilised at Market Place, Dudley – see Appendix 4b.
Table 11: Types of Mitigation

<table>
<thead>
<tr>
<th>Type of Mitigation</th>
<th>Best Practice/Guidance</th>
</tr>
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<tbody>
<tr>
<td>Preservation in-situ</td>
<td>Historic England, Preserving Archaeological Remains (2016):-</td>
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<tr>
<td></td>
<td><a href="https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/">https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/</a></td>
</tr>
<tr>
<td></td>
<td>Piling and Archaeology (2015):-</td>
</tr>
<tr>
<td>Historic Building Recording and Assessment</td>
<td>CLFA Standard and Guidance for Archaeological Investigation and recording of standing buildings or Structures:-</td>
</tr>
<tr>
<td>Archaeological Watching Briefs</td>
<td>CIFA Standard and Guidance for Archaeological Watching Brief:</td>
</tr>
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<td></td>
<td><a href="http://www.archaeologists.net/sites/default/files/CIfAS&amp;GWatchingBrief_2.pdf">http://www.archaeologists.net/sites/default/files/CIfAS&amp;GWatchingBrief_2.pdf</a></td>
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<tr>
<td>Archaeological Excavation</td>
<td>CIFA Standard and Guidance for excavation:</td>
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<td><a href="http://www.archaeologists.net/sites/default/files/CIfAS&amp;GExcavation_1.pdf">http://www.archaeologists.net/sites/default/files/CIfAS&amp;GExcavation_1.pdf</a></td>
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<td>Historic England, Preserving Archaeological Remains: -</td>
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Enabling Development

Enabling Development is development that would ordinarily be unacceptable in planning terms but it would bring heritage benefits sufficient to justify it being carried out and which could not otherwise be achieved. Such enabling development is not to be confused with mitigation measures. Proposals for enabling development must involve a heritage asset which is at risk and need to be in line with Historic England’s guidance, which can be found at the following link:-

Enabling Development and the Conservation of Significant Places
Chapter 6 - A Positive Strategy for the Conservation and Enjoyment of the Historic Environment

Context

Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework’s (NPPF) drive to achieve sustainable development (NPPF paragraphs 6 - 10). The conservation of heritage assets in a manner appropriate to their significance forms one of the NPPF’s ‘Core Planning Principles’ (paragraph 17, 10th bullet point) that underpins the planning system and is expanded upon principally at NPPF chapter 12 ‘Conserving and Enhancing the Historic Environment’. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. In order to be compliant with the NPPF, the local authority should also set out in its Local Plan a positive strategy for the conservation and enjoyment of the historic environment (NPPF, paragraph 126). Furthermore, the NPPF expects a Council’s Local Plan to include a clear strategy for conserving and enhancing the historic environment (NPPF paragraphs 156 and 157).

In line with the NPPF, Dudley Council’s strategy for the conservation and enjoyment of the historic environment is clearly set out in Dudley’s Local Plan and it has been explained further within this Historic Environment SPD. What is clear is that conservation is not a passive exercise but rather an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of heritage assets as diverse as the ones found within the borough of Dudley.

The Council considers the historic environment to be an asset and an opportunity and not a barrier to development. ‘Constructive conservation’ is the broad term adopted by Historic England for a positive and collaborative approach to conservation, focusing on the active management of change that recognizes and reinforces the historic significance of places while accommodating the changes necessary to ensure their continued use and enjoyment. In order to positively manage the historic environment, the Council, in collaboration with various key stakeholders, will undertake to use a number of approaches to constructively conserve the historic environment so it can be enjoyed for its contribution to the quality of life for this and future generations.

Heritage Led Regeneration

Heritage led regeneration schemes have helped to transform parts of the borough by strengthening the self image of areas to recreate viable and attractive places, and encouraging sustained inward investments and levering in significance amounts of capital to sustain and create local jobs. Heritage led regeneration is a very constructive method for bringing about conservation. In 2013 Historic England published ‘Heritage Works: The use of historic buildings in regeneration’ which is available at: https://www.historicengland.org.uk/images-books/publications/heritage-works/
This Historic England document sets out that there is a strong economic case for regenerating historic buildings, the benefits relating not only to the individual building but also to the wider area and community. The inclusion of heritage assets in regeneration schemes provides a focus and catalyst for sustainable change.

Dudley Council has been successful in obtaining external funding to support heritage-led regeneration throughout the borough. Funding has been obtained from Historic England from their Partnership Scheme in Conservation Areas (PSICA). These schemes are run by the local authority and are designed to target funding for the preservation and enhancement of conservation areas.

A similar scheme is provided by the Heritage Lottery fund (HLF) with their Townscape Heritage Schemes - again Dudley Council has been successful in securing two of these schemes for Dudley Town Centre.

Additional funding has also been obtained from the European Regional Development Fund (ERDF) and from the Local Enterprise Partnership (LEP) where funding was made available to bring vacant historic buildings back into a viable use whilst also delivering the key outputs for the funder. Examples include the Stuart Crystal, Wordsley site which received ERDF funding and Gypsy's Tent site in Dudley which received LEP funding. The Council will continue to seek opportunities for further funding of this nature for use throughout the borough.

The Heritage Lottery Fund (HLF) is the largest single funder of heritage led regeneration in the UK. Throughout the borough there are a number of projects that have been successful in obtaining funding from the HLF. Recent projects include Mary Stevens Park, Priory Park, the Tectonic Structures within Dudley Zoo, Lye & Wollescote Cemetery Chapel, Harris and Pearson Building, Glass House College, Dudley Canal Trust and Dudley Town Centre via the Townscape Heritage Initiative. Details of the types of projects that are eligible for funding can be found on the Heritage Lottery web page. The Council in collaboration with other stakeholders will continue to seek funding opportunities for heritage assets within the borough. An example follows:

**Former Co-op, 80/81 High Street, Dudley** *(before and after images) – One of 14 buildings to receive grant assistance though the Dudley THI.*
Working in Collaboration with Others

In order to secure a viable end use for heritage assets in the borough the Council will constructively work closely with owners, occupiers, developers and the local community to explore the various options available. When relevant, the Council will additionally endeavour to work with the Council’s Empty Homes Officer (particularly if additional funding can be provided) and with building preservation trusts, Friends Groups, Civic Societies, Local History Societies and other charitable organizations.

A recent example of the above is the positive collaboration with the West Midland Historic Building Trust (WMHBT), a building preservation trust that covers all of the West Midlands. Recently completed projects undertaken within the borough include Lye & Wollescote Cemetery Chapel and the Harris & Pearson Building – more information on the latter example can be found at Appendix 4c.

Addressing Heritage at Risk

To be compliant with the NPPF the local planning authority’s Local Plan should include a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay and other threats, and recognizing that heritage assets are an irreplaceable resource (NPPF paragraph 126 and footnote 29). Addressing the heritage at risk within the borough is a good example of constructive conservation.

Historic England maintains an annual Register of Heritage at Risk in England and Wales, compiling this Register in association with local authorities. In the spring of each year Dudley Council carries out a survey of its heritage at risk and sends the information to Historic England. This information is then used for the compilation and the publication of the West Midland’s edition of the Register. Contained within this Register are the Grade I and Grade II* Listed Buildings, Listed Places of Worship, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas considered to be at risk.

The Council will continue to work with English Heritage and all relevant stakeholders to proactively work to address these sites. In recent years some notable heritage assets that have successfully been removed from the register include 3 Grade II* listed Tecton Structures at Dudley Zoo (the Brown Bear Pit, the Kiosk east of the Brown Bear Pit and the Zoo entrance) and the Grade II* former Foster and Rastrick Foundry at Lowndes Road, Stourbridge:

Foster and Rastrick Foundry, Lowndes Road, Stourbridge

Restoration scheme in progress towards eventual re-use of the building as a medical centre.
In addition to this, the Council has compiled a Register for all the Grade II listed heritage assets in the borough in order that monitoring can be undertaken on which of these are considered to be at risk. The Council will continue to work with all relevant stakeholders to proactively work to address the sites identified.

It is noted that some heritage assets become vacant and time is required in order to bring the vacant building back into use. In these instances owners are encouraged to use the best practice guidance set out in the following Historic England publication:-

https://historicengland.org.uk/images-books/publications/vacanthistoricbuildings/

**Unauthorized Work and Heritage Crime**

Historic England defines Heritage Crime to be ‘any offence which harms the value of England’s heritage assets and their settings to this and future generations’.

The Council is committed to dealing with planning applications as quickly as possible and not to stand in the way of development without justification. The Council also expects land owners and developers to observe the spirit of the planning legislation and not carry out development until the necessary planning permission and (where applicable) listed building consent has been obtained. Unauthorized works in certain instances are a criminal offence.

Where development does take place without permission the Council has a full range of enforcement powers available to establish whether a breach of planning control has been taken, what harm is caused as a result of the breach and how to remedy the situation. This is seen as another method to be employed when undertaking constructive conservation. Where historic buildings are not being properly maintained the Council has a number of powers available to secure their proper preservation.

Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local authorities to issue Listed Building Enforcement Notices where it appears that any works have been or are being executed to a listed building in their areas without the necessary consent. Section 48 of the same Act places a statutory duty on the local authority to issue Repairs Notices as and when appropriate to secure the long term preservation of a building. Section 54 of this Act places a statutory duty on the LPA to issue Urgent Works notices in order to execute works which appear to be urgently necessary to arrest further deterioration of a building. Other powers open to the local authority include the use of Section 215 notices which can be served on owners to secure improvements to the external visible appearance of land or buildings.
The Council will continue to proactively use available enforcement powers in order to address heritage at risk and breaches of listed building, conservation area and planning controls. An example of Dudley Council successfully applying a Listed Building Enforcement Notice is available at Appendix 4d.

Our historic buildings and sites also suffer irreversible harm from theft and criminal damage, otherwise known as heritage crime. Their worth to society and viability can be impaired or ruined by anti-social behaviour. Historic England defines Heritage Crime as ‘any offence which harms the value of England’s heritage assets and their settings to this and future generations’. It covers a wide variety of activity such as theft, criminal damage, arson and anti-social behaviour offences such as graffiti. The sites targeted for heritage crime are not only historic buildings but they can also include buried archaeological remains.

The Council will continue to work with key stakeholders such as the Police and Historic England to take a strategic role in the fight against heritage crime. The Council encourages members of the public to report Heritage crime immediately to their local police and it is also important to take action against the offence. Owners of heritage assets that are vulnerable to heritage crime are advised to note the following publications:

*Heritage Crime Prevention, A Guide for Owners, Tenants and Managers of Heritage Assets (May 2013):*

*Tackling Heritage Crime (Historic England web pages):*
https://historicengland.org.uk/advice/caring-for-heritage/heritage-crime/

*Theft of metal from Church Buildings (Sept 2011):*
Article 4 Directions

Certain works that would normally require planning permission are permitted by the 2015 General Permitted Development Order (GPDO). This is primarily because the works are of a scale or type that is generally not likely to have an unacceptable impact. The rules are the same across England and so inevitably they cannot take account of local sensitivities. The Order sets out classes of development for which a grant of permission is automatically given.

An Article 4 direction is made by the Council in order to restrict the scope of permitted development rights either in relation to a particular area or site, or a particular type of development anywhere in the authority’s area. When an Article 4 direction is in effect, a planning application may be required for development that would otherwise have been permitted development. Article 4 directions are used to control works that could threaten the character of an area of acknowledged importance, such as a conservation area.

Article 4 directions can increase the public protection of designated and non-designated heritage assets and their settings. They are not necessary for works to listed buildings and scheduled monuments as listed buildings consent and scheduled monument consent would cover all potentially harmful works that would otherwise be permitted development under the planning regime. However, article 4 direction might assist in the protection of all other heritage assets (particularly conservation areas and locally listed buildings) and help the protection of the setting of all heritage assets.

Article 4 directions for example have been used to require planning permission for the demolition of a non-designated heritage asset (such as locally listed buildings outside of a conservation area) by removing the demolition rights under part 11 of the GDPO.

The Government has issued guidance on when and how to make an article 4 direction. It says that local authorities should consider making an article 4 direction only in those exceptional circumstances where the exercise of permitted development rights would harm local amenity, the historic environment or the proper
planning of the area. The Council has throughout the borough a number of Article 4
directions in place and will, as and when circumstances dictate, impose further Article
4 directions in accordance with Government guidance. An example of this is
available at Appendix 4e.

**Heritage Partnership Agreements**

A Listed Building Heritage Partnership Agreement is an agreement between a local
planning authority and the owners(s) of a listed building or group of buildings which
grants listed building consent. It allows the local planning authority to grant listed
building consent for the duration of the Agreement for specified works of alteration or
extension (but not demolition) for those listed buildings covered by the Agreement - See sections 26A and 26B of the Planning (Listed Building and Conservation Areas)
Act 1990.

Listed Building Heritage Partnership Agreements remove the need for the owner(s)
concerned to submit repetitive applications for listed building consent for works
covered by an Agreement.

In Dudley and although we currently do not have any Heritage Partnership
Agreements (HPAs) in place, there are several sites where these would be useful
and the Council will encourage owners of suitable sites to bring proposals for a HPA
forward. The preparation of these documents should be undertaken by a heritage
consultant liaising directly with the Council and they are to be undertaken in
accordance with the following Historic England guidance:-

*Setting up a Listed Building Heritage Partnership Agreement: Historic England
Advice Note 5 (November 2015):* [https://www.historicengland.org.uk/images-
books/publications/eh-good-practice-advice-note-drawing-up-listed-building-heritage-
partnership-agreement/](https://www.historicengland.org.uk/images-books/publications/eh-good-practice-advice-note-drawing-up-listed-building-heritage-partnership-agreement/)

**Information on the Historic Environment and Heritage Advocacy**

Every local authority is obliged to ensure that they have evidence about the historic
environment and heritage assets in their area and that this is publically documented. Each
should maintain or have access to a historic environment record (HER). The
Council will continue to update and enhance the Dudley Historic Environment Record
and ensure that as much information as possible is publically available thereby
promoting the value of heritage to the economic, social and environmental well-being
of the borough.

Where possible the Council will share knowledge and best practice and encourage
public participation in heritage. Examples of this collaborative and constructive
conservation approach can be found at Appendix 4f.
## Evidencing the Benefits of Heritage and the Historic Environment

| **Tourism** |  
| --- | --- |
| Built heritage based tourism is worth £14billion per year in economic output and accounts for 393,000 jobs; |  
| For every £1 spent as part of a heritage visit, 32p is spent on site and the remaining 68p is spent at local businesses; |  
| Half of all jobs created by investment in heritage attractions are off site; |  
| Four in five of visitors most likely to come to the UK state they will visit heritage sites. |  
| **Dudley Borough:** |  
| 1,044,000 people visited the borough’s top 12 tourist attractions during 2015 – a majority of these attractions being as regards the historic environment (including the Black Country Living Museum, Dudley Canal Trust, Himley Hall and Park, and the Red House Glass Cone – together accounting for some 645,000 visitors); |  
| During 2014, £446million was spent in Dudley Borough as a result of tourism, and the tourism sector directly supporting 6,906 jobs; |  
| Dudley Council’s Dudley Town Centre Townscape Heritage Initiative (THI, 2008-2015) has contributed towards the town’s tourism offer by enhancing historic properties and shopfronts, and thereby enhancing local character and distinctiveness and the town’s vitality and viability. |  

| **Regeneration Development** |  
| --- | --- |
| Every £1 of investment in the historic environment is estimated to generate £1.60 of additional economic activity over a ten year period; |  
| Listed retail, office, and industrial properties have generated total returns equal to or higher than their non-listed counterparts for 3, 5, 10 and 30 year periods between 1980 and 2011; |  
| Businesses that occupy listed buildings generate £13,000 extra gross value added (GVA) per business per year. |  
| **Dudley Borough:** |  
| Dudley Council led on the Dudley Town Centre Townscape Heritage Initiative (THI, 2008-2015) whose overarching objective was to increase economic activity in the town’s commercial core by using the historic environment as a positive resource and to safeguard and create employment opportunities while improving quality of life for the local community and users of the town. The aim was to help regenerate the town through the invigoration of its historic environment, providing highly visible forms of townscape enhancement, achieved through the repair and support of new uses for historic buildings and the reinstatement of lost architectural detail. The THI project’s achievements included: |  
| - Public funding invested in the town centre: £2.78m |  
| - Private investment levered in: £1.5m |  
| - Number of historic properties enhanced: 17 |  
| - Shopfronts improved / repaired / reinstated: 7 |  
| - Historic floorspace brought back into use: 2,046 m² |  
| - Existing historic floorspace enhanced: 3,617 m² |  
| - Jobs created / safeguarded: 185 |  
| - Businesses created / supported: 45 |  
| - Training placements: 39 |  

<p>| <strong>Sense of Place</strong> |<br />
| --- | --- |
| Adults and young people that live in areas of higher levels of historic environment or cite a local building or monument as special are likely to |</p>
<table>
<thead>
<tr>
<th><strong>Education and Skills</strong></th>
<th>have a stronger sense of place;</th>
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<tr>
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<td>o 87% agree that better quality buildings and public spaces can improve quality of life and seven in ten that heritage sites are important to their local community;</td>
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<td>o Nine out of ten residents in areas where historic environment investment took place agreed that it raised pride in their local area, increased sense of place and produced places that encouraged social activities such as shopping and visiting restaurants.</td>
</tr>
<tr>
<td><strong>Dudley Borough:</strong></td>
<td>Dudley Council’s Dudley Town Centre Townscape Heritage Initiative (THI, 2008-2015) has contributed towards the town’s sense of place by enhancing historic properties and shopfronts, and thereby enhancing local character and distinctiveness and promoting a sense of civic pride.</td>
</tr>
<tr>
<td></td>
<td>o Dudley Council’s Dudley Town Centre Townscape Heritage Initiative (THI, 2008-2015) has contributed towards education and skills by enhancing local character and distinctiveness and generating 39 training placements.</td>
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<td></td>
<td>o In 2016 Carlo Diponio (Construction Supervisor at Dudley Zoo) won the Historic England Angel Award for ‘Outstanding Contribution to Heritage’ for his work with the Tecton Structures. Carlo developed lots of innovative skills and techniques in respect of concrete repairs and enthusiastically shared his knowledge with an apprentice and provided numerous talks to IHBC and in ICOMOS.</td>
</tr>
<tr>
<td><strong>Personal Development</strong></td>
<td>Of those who participated in heritage schools, 71% of teachers agree that the project has involved their students developing a greater understanding of difference and significance;</td>
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<td>o One fifth of all dwellings were built before 1919. We need the right skills in the construction sector to ensure we can look after them.</td>
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<tr>
<td><strong>Environmental Life</strong></td>
<td>2013 review by the Heritage Lottery Fund (HLF) noted that ‘the strongest evidence for the benefits of culture for individuals is found in ‘personal development’ - e.g. new skills, new experiences, improved confidence, changed attitudes, education support’;</td>
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<td>o Evidence from the evaluation of Heritage Open Days (HODs) from 2010 reported that almost 49% of volunteers who took part stated that their willingness to try new things had increased, and 75% agreed that their participation in HODs had increased their sense of making a useful contribution;</td>
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<td>o Over 90% of HLF volunteers benefitted from socialising on heritage projects, and 35% sustained these friendships outside the project.</td>
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<td><strong>Dudley Borough:</strong></td>
<td>Throughout the borough various Heritage Open Day events have been hosted thanks to the help of volunteers. In 2016 HOD’s were successfully undertaken at Lye &amp; Wollescote Cemetery Chapel and at the Quaker Meeting House in Stourbridge;</td>
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<td></td>
<td>o Community archaeological excavations have taken place at Glass Hill College providing opportunities to volunteers to develop personal skills in recording archaeological remains.</td>
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<td><strong>Environmental Life</strong></td>
<td>Research by English Heritage and Historic Scotland found that traditional sash windows can be upgraded to meet modern Building Regulation targets for energy conservation, whilst also protecting the character of the building and the wider streetscape. A combination of measures can achieve a 62% reduction in heat loss;</td>
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<td>o The Government estimates that 18% of emissions over a building’s</td>
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<td>Historic Environment Supplementary Planning Document</td>
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<td>lifetime arise in design, manufacture, distribution and construction and demolition, and about a fifth of its emissions while operational;</td>
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<td>- People value landscapes for their cultural heritage as well as their natural attributes. A survey in the Lake District found that 71% of local groups, 60% of domestic visitors, and 63% of international visitors rated the area’s sense of history and tradition as extremely or very important.</td>
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<td><strong>Dudley Borough:</strong></td>
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<td>- Works carried out to historic buildings in the Borough where Dudley Council gives guidance or has control (e.g. via the development control process or through the Dudley Town Centre Townscape Heritage Initiative) are carried out to a high standard in terms of energy conservation and heat emission. The Council’s historic environment and building control teams adopt a bespoke approach to each differing building with property owners and developers to maximise energy and emission benefits while ensuring that historic significance is safeguarded and enhanced;</td>
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<td>- In accordance with current requirements and in liaison with historic environment colleagues, Dudley Council’s building control access officer maximises opportunity with owners and developers to improve access into and around historic buildings.</td>
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<td><strong>Quality of Life</strong></td>
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<td>- The amount of money that provides the same impact on wellbeing is calculated at approximately £1,600 for the average heritage participant;</td>
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<td>- On average, people who had engaged with heritage activities in the previous 12 months reported significantly higher happiness scores (8.0) compared to those who had not (7.6);</td>
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<td>- Heritage volunteers reported levels of mental health and wellbeing that are higher than for the general population, or amongst all those who undertook some form of volunteering activity.</td>
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<td><strong>Dudley Borough:</strong></td>
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<tr>
<td>- Dudley Council’s Dudley Town Centre Townscape Heritage Initiative (THI, 2008-2015) has contributed towards quality of life by enhancing the town centre’s character, vitality and viability for its local community, visitors and other users.</td>
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Sources: Historic England - Heritage Counts (2014); Dudley MBC
Appendix 2 - Location of detailed Historic Landscape Characterisation studies within Dudley Borough
### Appendix 3 – Types of Heritage Assessment

<table>
<thead>
<tr>
<th>Type of Assessment</th>
<th>Best Practice/Guidance</th>
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</thead>
</table>
| Historic Building Recording and Assessment  | CIFA Standard and Guidance for Archaeological Investigation and recording of standing buildings or Structures: [http://www.archaeologists.net/sites/default/files/CIfAS&GBuildings_1.pdf](http://www.archaeologists.net/sites/default/files/CIfAS&GBuildings_1.pdf)  
| Geophysical Survey                         | CIFA Standard and Guidance for geophysical survey: [http://www.archaeologists.net/sites/default/files/CIfAS%26GGeophysics_2.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GGeophysics_2.pdf) |
Appendix 4 – Additional Examples

Appendix 4a - Responding to local Distinctiveness

4-16 Upper Ettingshall Road, Coseley

In the Borough-wide UHLC this area of the borough is defined as the ‘Coseley Corner’ Character Area. Character in this part of the borough is derived from industrial heritage of intensive mineral exploitation. Much of the former industrial land was then recycled leaving a landscape that is today dominated by relatively modern large housing and commercial estates.

Early aspects of the earlier character of Coseley do however still survive and the terrace of No.4-16 Upper Ettingshall Road is one such example. Evidence from historic maps indicates that these buildings were erected on the site of a former brickworks at the end of the 19th century. The complex has a high townscape value presenting a coherent block of built form in the context of a wider street scene that has developed piecemeal, creating a patchwork of suburban development of relatively recent date. Whilst by no means of outstanding architectural interest, the historic buildings do nevertheless stand out as an attractive and locally distinctive element of townscape. They also provide a direct link to Coseley’s industrial past, being illustrative of a once common local vernacular style that is becoming increasingly hard to find.

In 2006 an application was submitted for the demolition of the terrace, and Dudley Council refused the application using local character and distinctiveness as a grounds for refusal. Although the applicant appealed the decision (appeal reference APP/C4615/A/2068523), the Appeal Inspector dismissed the appeal stating ‘The proposed development would involve the loss of part of a terrace of attractive Victorian Houses. Whilst the terrace is not statutorily listed and the site does not lie in a Conservation Area, the houses and the adjoining public house stand out as attractive examples of the local vernacular and are an important feature in the townscape and provide a visual connection to the area’s industrial past’.
Appendix 4b - Archaeological Watching Brief

Market Place, Dudley

An Archaeological Watching Brief was undertaken as part of the town centre’s public realm improvements. Revealed during the ground works were the remains of a complex of buildings called ‘Middle Row’ that originally stood in the market place until their demolition in the early 19th century.
Appendix 4c - Working in Collaboration with Others

Harris & Pearson Office Building, Brettell Lane, Brierley Hill

The Harris & Pearson building was erected in 1888 as the offices and weigh house to the surrounding firebrick works. The building was on the Council’s Local List but not located in a Conservation Area.

Up until the 1990’s the Harris & Pearson building was used as offices. The owners then considered the building was of no use to them and decided it would be easier if demolished. On hearing this, the Council tried to negotiate with the owner but with no success. The Council therefore decided to serve a Building Preservation Notice which can be served on non-listed buildings in order to give the Secretary of State sufficient time to decide whether to add the building to the statutory list. It was concluded the building would be designated Grade II.

Following on from this the local authority was then able to serve an Urgent Works Notice requiring the owner to repair the roof. Negotiations began with the WMHBT and in 2001 the owners agreed to transfer the freehold over to the WMHBT. In 2003 WMHBT submitted a bid to the Heritage Lottery Fund (HLF) and the bid was successful. Work commenced on-site in April 2004 and the project was completed in January 2005.
Appendix 4d – Making use of a Listed Building Enforcement Notice

Dennis Hall, Collis Street, Amblecote

A Grade II listed Georgian mansion house, built in 1770 by Thomas Hill after he had demolished the derelict 17th century glassworks on the site. In 1994/5 planning approval and listed building consent was granted for redevelopment of the site for 68 new dwellings and the conversion of the Hall for residential use. Work commenced on the new dwellings but none was undertaken on the Hall.

Following complaints from local residents about anti-social behaviour around the Hall, the Council demanded access and discovered that the owner had been using the building as a quarry for architectural salvage. Negotiations began with the owner to put in place suitable security measures but little progress was made, the Council therefore serving a Listed Building Enforcement Notice requiring the building to be returned back to its original condition. The owner appealed and this led to a Public Enquiry. The Appeal Inspector visited the site and subsequently determined to dismiss the appeal. This resulted in the owner having to reinstate all the Georgian and Victorian plasterwork exactly ‘like for like’. The Hall is now converted into 19 luxury apartments.
Appendix 4e – Imposing an Article 4 Direction

Bell Hotel, Market Street, Stourbridge

(The first image is before the Article 4 Direction was in force, and the second image is afterwards)

In 2009 the Council imposed an Article 4(1) direction removing the permitted development right to paint the exterior of the building. The trigger for imposing this restriction on the building was that the tenant of the building decided to paint the natural stone with brilliant white masonry paint.

Dudley Council considered that this not only harmed the external appearance of the heritage asset but also caused harm to the character and appearance of the Conservation Area. Planning permission was then subsequently required by the tenant to decorate the exterior of the building. This enabled the Council to secure a more appropriate colour scheme for the ground floor.
Historic Environment Supplementary Planning Document

Appendix 4f – A collaborative and constructive conservation approach

The Limes, Catholic lane, Sedgley

A heritage asset recorded on the Council’s Historic Environment Record (HER) located opposite the Grade II listed Catholic Church. A seriously fire damaged building that had been the subject of long standing vandalism and graffiti. Developers initially pushed for the demolition of the building as a way of addressing the antisocial behaviour.

However by using the local character and distinctiveness policies and working closely with colleagues, the local police and local residents this option was resisted by the local authority and after much pre-application discussion a scheme was brought forward for the conversion of the historic building into apartments.

The scheme also involved the extension of the historic building and the erection of 2 new dwelling houses - one of which was called ‘Tinsley House’ after the famous historical resident of the Limes, Eliza Tinsley, and the other named ‘Downing House’ as Downing was the original name for Catholic Lane as well as being the name of the Earl of Dudley’s surveyor. The development also secured the provision of an interpretation panel which was prepared in collaboration with the local community (primarily Sedgley Local History Society and All Saints Church).

Glasshouse College, Ruskin Glass Centre, Wollaston Road, Stourbridge

Ruskin Mill Land Trust obtained HLF funding to undertake a community archaeological excavation where the remains associated with a 1930’s warehouse, an 1830 glasshouse cone and possible remains of an earlier cone were revealed. The volunteers included members from the local community, Amblecote Historical Society, Webb Corbett
Visitor Centre, pupils from 3 primary schools, Dudley Young offenders and students from Glasshouse College.

Dudley College, Dudley

In 2016 the foundation stone that belonged to the Dudley Girls High School (which stood on the site until 1996) was returned and incorporated into the public realm for the new college buildings. Dudley college construction students were involved with the reinstatement of the foundation stone and with meeting former students of the Dudley Girls High School.
Appendix 5 - Further Information

National Policy and Guidance

National Planning Policy Framework (NPPF)
The basis for all planning policy in England and associated planning practice
guidance (includes NPPF Chapter 12 ‘Conserving and Enhancing the Historic

Planning Practice Guidance
The Government’s (Department for Communities and Local Government - DCLG)
planning practice guidance web-based resource (includes a category regarding
‘Conserving and enhancing the historic environment’): http://planningguidance.communities.gov.uk/blog/guidance/

Planning Portal
The national home of planning and building regulations information and the national
planning application service: https://www.planningportal.co.uk/

Historic England

The Government’s national service champions England's heritage and provides
expert, constructive advice. Historic England provides guidance on a range of
heritage related subjects (listed buildings, conservation areas, etc) as well as details
of all nationally designated heritage assets:

Historic England Home page: https://historicengland.org.uk/

National Heritage List for England (NHLE) – the only official and up-to-date database
of all listed and designated heritage sites: https://historicengland.org.uk/listing/the-list/

Conservation Principles, Policies and Guidance - A key document produced by
Historic England, which aims to support the quality of decision-making, with the
ultimate objective of creating a management regime for all aspects of the historic
environment that is clear and transparent in its purpose and sustainable in its
application. This document is available at: https://historicengland.org.uk/images-
books/publications/conservation-principles-sustainable-management-historic-
environment/

Heritage Counts – An annual survey of the state of England's historic environment:
http://hc.historicengland.org.uk/

Advice and Guidance Catalogue - Historic England produces numerous publications
providing advice and guidance, a comprehensive list can be found at:
https://content.historicengland.org.uk/content/docs/guidance/he-advice-and-
guidance-catalogue-apr16.pdf
From the above Historic Environment’s Advice and Guidance catalogue list, the following are often used / referred to by Dudley Council’s Historic Environment service:

- The Historic Environment in Local Plans - Historic Environment Good Practice Advice in Planning Note 1, 2015 (ref HEAG020);
- Managing Significance in Decision-Taking in the Historic Environment - Historic Environment Good Practice Advice in Planning Note 2, 2015 (ref HEAG007);
- The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3, 2015 (ref HEAG038);
- Conservation Area Designation, Appraisal and Management - Historic England Advice Note 1, 2016 (ref HEAG040);
- Making Changes to Heritage Assets - Historic England Advice Note 2, 2016 (ref HEAG023);
- The Historic Environment and Site Allocations in Local Plans - Historic England Advice Note 3, 2015 (ref HEAG074);
- Tall Buildings - Historic England Advice Note 4, 2015 (ref HEAG037);
- Traditional Windows: Their Care, Repair and Upgrading, 2015 (Technical Advice) (ref HEAG039);
- The various Technical guidance as to ‘Energy Efficiency and Historic Buildings’.

Mineral Extraction and the Historic Environment

Mineral Extraction and Archaeology: A Practice Guide

Surveying and Recording Heritage - Historic England’s technical advice:
https://historicengland.org.uk/advice/technical-advice/recording-heritage/

Access to Historic Assets - Historic England has produced two guides which provide useful advice and guidance in providing access to heritage assets:
- Easy Access to Historic Buildings
- Easy Access to Historic Landscapes

The Setting of Heritage Assets - English Heritage (now Historic England) Guidance:
http://www.english-heritage.org.uk/publications/setting-heritage-assets/

Seeing the History in the View - English Heritage (now Historic England) Guidance:
http://www.english-heritage.org.uk/publications/seeing-history-view/

Tall Buildings - English Heritage (now Historic England) Guidance:

Building in Context Toolkit for New Development in Historic Areas – produced by English Heritage (now Historic England) and the Chartered Association of Building
Engineers (CABE) – a toolkit that helps local authorities, developers and communities to enhance new development proposals so that they respond well to the historic area, local context and wider surroundings: [http://www.building-in-context.org/](http://www.building-in-context.org/)


**The Heritage Gateway**
The national Heritage Gateway is managed and maintained by Historic England - please see the ‘Dudley Borough’s Landscape and Character’ chapter of this Historic Environment SPD document for further information, and also: [http://www.heritagegateway.org.uk/gateway/default.aspx](http://www.heritagegateway.org.uk/gateway/default.aspx)

**The Heritage Alliance**
The Heritage Alliance is the biggest coalition of independent heritage organisations and interests in England. It brings together the independent heritage organisations, from the National Trust, Canal & River Trust and Historic Houses Association, to more specialist bodies representing visitors, owners, volunteers, professional practitioners, funders and educationalists: [http://www.theheritagealliance.org.uk/](http://www.theheritagealliance.org.uk/)

**Manual for Streets**

**The Chartered Institute for Archaeologists (IfA)**
[http://www.archaeologists.net/](http://www.archaeologists.net/)

**The Institute of Historic Building Conservation (IHBC)**

**IHBC Historic Environment Service Providers Recognition (HESPR)**
HESPR is a promotional service for businesses that work to conservation and service standards expected by the IHBC [http://ihbc.org.uk/hespr/](http://ihbc.org.uk/hespr/)

**The Building Conservation Directory**
Local Policy and Guidance

Local Plan
See the ‘Policy Context’ chapter of this document for further local policy information, and also: http://www.dudley.gov.uk/resident/planning/planning-policy/

Historic Environment SPD
An electronic version of this document is available at: http://www.dudley.gov.uk/resident/planning/historic-environment/local-character/

Historic Environment Record (HER) and its associated Historic Buildings Sites and Monuments Records (HBSMR)
See the ‘What is the Historic Environment and how is it Recorded?’ chapter of this document for further information, and also: http://www.dudley.gov.uk/resident/planning/historic-environment/historic-environment-record/

Conservation Areas (including their Character Appraisals)
http://www.dudley.gov.uk/resident/planning/historic-environment/conservation-areas/

Conservation Areas covered by Article 4 directions
http://www.dudley.gov.uk/resident/planning/historic-environment/article-four-directions/

Historic Landscape Characterization (HLC)
http://www.dudley.gov.uk/resident/planning/historic-environment/historic-landscape-characterisation-hlc/
Available for:
• Brierley Hill
• Dudley
• The Glass Quarter
• Stourbridge
• Halesowen
Appendix 6 - Glossary

Area Action Plan
Area action plans are a type of development plan document focused upon a specific location or an area subject to conservation or significant change (for example major regeneration).

Areas of High Historic Landscape Value (AHHLVs)
Areas of High Historic Landscape Value refer to Landscape Heritage Areas identified by the council, which demonstrate that it is the importance of the elements of the historic environment to the character and distinctiveness of these areas that is recognised by their designation. The value of High Historic Landscape Value resides primarily in the quality of the wider landscape, such as areas of open space, woodland, watercourses, hedgerows, and archaeological features and their historic, communal, ecological and aesthetic values.

Areas of High Historic Townscape Value (AHHTVs)
Areas of High Historic Townscape Value are identified in order to illustrate the distribution and extent of areas where built heritage makes a significant contribution to local character and distinctiveness across the borough. These areas exhibit a concentration of historic assets that in combination make a particularly positive contribution to local character and distinctiveness. This was assessed alongside the contribution of the streetscape, landscape features (including views) and their historical associations. The areas selected as warranting designation as an AHHTV are those considered to be of particular value within the Borough.

Areas of Special Townscape Value (ASTVs)
ASTVs are identified as townscapes of particular importance by virtue of their established vernacular; the longevity of their street pattern; presence of focal points of interest and importance etc.

Archaeological Priority Areas
Archaeological Priority Areas (APAs) are areas where there is significant known archaeological interest or potential for new discoveries. APAs are used to help highlight where development might affect heritage assets.

Black Country Core Strategy
The Black Country Core Strategy is a spatial planning document dealing with land use, environmental, economic and social issues, which sets out the vision, objectives and strategy for future development in the Black Country to 2026.

Constructive Conservation
Constructive conservation is a positive, well informed and collaborative approach to conservation. It is flexible processes of helping people understand their historic environment and using that understanding to manage change.

Conservation Area
A conservation area is an area of notable architectural or historic interest or importance which is protected by law against undesirable changes.
Conservation Area Appraisal
Conservation area character appraisals help to define what contributes to the special character and the sense of place within the specified conservation area. The appraisal also helps to improve our understanding of the history and context, and define what it is about the area that makes it have a special conservation area designation.

COU (Change of Use)
Changing a building designation from one use to another, i.e. changing the building use from retail use to office use

Design and Access statement
Design and access statements provide a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.

Dudley Borough Development Strategy
The Dudley Borough Development strategy builds on the work carried out for the Black Country Core Strategy which was adopted in 2011. The document sets out borough specific planning policies to guide development decisions and planning approvals.

Dudley Borough landscape and townscape character study
This document seeks to assist developers and others to understand and appreciate Local Distinctiveness by providing a detailed framework and context that sets out broad definitions of historic character for different areas of the Borough and maps them.

Ecology
The branch of biology that deals with the relations of organisms to one another and to their physical surroundings.

Environmental Infrastructure
Environmental infrastructure refers to the infrastructure that provides towns and cities with water supply, waste disposal and pollution control services, and includes extensive networks of aqueducts.

Evidence Base
The conscientious, explicit and judicious use of current best evidence in making decisions about the care of the individual patient.

Fascia
A board or other flat piece of material covering the ends of rafters or other fittings.

Feasibility Study
An assessment of the practicality of a proposed plan or method.

Geology
The science which deals with the physical structure and substance of the earth, their history and the processes which act on them.
Glazing Bar
A bar or rigid supporting strips between adjacent panes of glass.

Heritage asset
A heritage asset is an item/building which has value because of its contribution to a nation’s society, knowledge and culture. Heritage assets are usually physical assets.

Heritage Policy Context
Policy details within the context of heritage.

Historic England
This is a special body responsible since 1983 for England’s ancient monuments, listed buildings and conservation areas.

Historic environment
Historic environment refers to all aspects of the environment which result from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record
HERs are sources of, and signposts to information relating to landscapes, buildings, monuments, sites, places, areas and archaeological finds spanning more than 700,000 years of human endeavour.

Historic Landscape Characterisation (HLC)
Historic landscape Characterisation involves applying to aspects of landscape a long established archaeological and historic method, the classifying and interpreting of material through identifying and describing essential or distinguishing patterns, features and qualities, or attributes. The sources used when doing this are comprehensive and systematic, like modern and historic maps or aerial photographs.

Hydraulic Lime
Hydraulic Lime (HL) is a general term for varieties of lime (calcium oxide), or slaked lime (calcium hydroxide), used to make lime mortar which set through hydration: thus they are called hydraulic.

Hydrology
The branch of science concerned with the properties of the earth’s water, and especially its movement in relation to land.

Jamb
A side post or surface of a doorway, window or fireplace.

Listed Building
A listed building in the United Kingdom is one that has been placed on the Statutory List of Buildings of special Architectural or Historic Interest.
Local List
Local heritage lists help to build and reinforce a sense of local identity and distinctiveness in the historic environment, and provide a unique opportunity for communities, in partnership with local authorities, to identify heritage assets that they wish to protect at local level.

Local Plan
In United Kingdom Planning law, a local plan is a development plan prepared by district and other local planning authorities.

National Planning Policy Framework (NPPF)
The National Planning Policy Framework is the national document for planning regulations in the country set by government.

Pilaster
A rectangular column, especially one projecting from a wall.

Quality of Life
Overall feeling of wellbeing, and standard of health, comfort and happiness experienced by an individual or group.

Registered Park and Garden
The Historic England “Register of Historic Parks and Gardens of special historic interest in England”, established in 1983 currently identifies over 1,600 sites assessed to be of particular significance. The emphasis of the register is on gardens, grounds and other planned open spaces, such as town squares. The majority of sites registered are, or started life as, the grounds of private houses, but public parks and cemeteries form important categories too.

Repairs Notice
A repairs notice specifies the works which the appropriate authority considers reasonably necessary for the proper preservation of the building.

Scheduled Ancient Monument
A scheduled ancient monument is an historic building or site that is included in the Schedule of Monuments kept by the Secretary of State and the regime is set out in the Ancient Monuments and Archaeological Areas Act 1979.

Section 215
A section 215 (s215) of the town and country planning act 1990 (the Act) provides a local planning authority (LPA) with the power in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied.

Setting:
The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect
the ability to appreciate that significance or may be neutral.

**Significance:**
The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

**Socio-economic landscape**
Relating to or concerned with the interaction of social and economic factors across the landscape.

**Statement of community involvement**
The statement of community involvement is produced by local authorities to help explain to the public the way in which they will be involved in the preparation of local development documents (the Local Plan).

**Strategic Environmental Assessment (SEA)**
A strategic environmental assessment (SEA) is a systematic decision support process, aiming to ensure that environmental and possibly other sustainability aspects are considered effectively in policy, plan and programme making.

**Supplementary planning document**
Supplementary planning documents, or SPDs, are established as part of the Planning and Compulsory Purchase Act 2004 in United Kingdom Law. SPDs may cover a range of issues, thematic or site specific, and provide further detail of policies and proposals in a “parent” development plan document.

**Sustainable Development**
Meeting the needs of the present without compromising the ability of future generations to meet their own needs.

**Topography**
The arrangement of the natural and artificial physical features of an area.

**Tree Survey**
A survey which is performed on private and public landscapes, with the goal being to provide useful information on the trees so that stakeholders can make more informed decisions.

**Unitary Development Plan (UDP)**
A Unitary Development Plan (UDP) in United Kingdom planning law is an old style development plan prepared by some local authorities that contains policies equivalent to those in both a structure plan and a local plan.

**UPVC definition**
Unplasticized polyvinyl chloride, a rigid, chemically resistant form of PVC used for pipe work, window frames, and other structures.

**Urgent Works**
Urgent works are a set of works outlined on a notice served by the local authority (or Historic England) under s54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to execute any works considered urgently necessary to preserve a listed building in the area. The works apply to the building in question.
## Appendix 7: List of Figures and Tables

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